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MINISTRY
OF EDUCATION
MALAYSIA



NATIONAL INCLUSIVE OPEN EDUCATIONAL RESOURCES [IOER] POLICY



NATIONAL INCLUSIVE OER POLICY

Preamble

This national policy statement sets out to provide direction in the design, development and use of inclusive open educational resources (hereinafter referred to as iOER) to increase access to and support quality learning and teaching for all students in Malaysia's higher education institutions under Creative Commons licenses. In doing so, the policy seeks to strengthen commitment to iOER by all concerned. This document is to be read together with the following documents:

- i. National e-Learning Policy
- ii. Malaysia Education Blueprint 2015-2025 (Higher Education)
- iii. Malaysia Copyright Act 1987
- iv. Commonwealth of Learning: Towards National Policy Guidelines on Open Educational Resources in Malaysia, 2017.
- v. Commonwealth of Learning: Institutional OER policy template.
- vi. Malaysia's Persons with Disabilities Act, 2008
- vii. United Nations Convention on the Rights of Persons with Disabilities
- viii. ASEAN Enabling Masterplan 2025: Mainstreaming the Rights of Persons with Disabilities
- ix. The Salamanca Statement & Framework for Action on Special Needs Education, 1994
- x. UNESCO OER Declaration 2012
- xi. The Ljubljana Declaration 2017
- xii. Commonwealth of Learning: Guidelines on the development of Open Educational Resources policies (2019).
- xiii. Draft Recommendation on Open Educational Resources (OER): 39 C/ Resolution 44 (8th October 2019).
- xiv. Learning for All: Guidelines on the Inclusion of Learners with Disabilities in Open and Distance Learning, 2018.
- xv. Malaysian Copyright Act (1987) (Act 322).

Malaysia aspires to improve access by making available higher education to relevant populations and ensuring quality and equity regardless of ability, geography, age, gender, or socioeconomic background.

The term Open Educational Resources (OER) was coined at UNESCO's 2002 Forum on Open Courseware and designates "teaching, learning and research materials in any medium, digital or otherwise, that reside in the public domain or have been released under an open license that permits no-cost access, use, adaptation and redistribution by others with no or limited restrictions. Open licensing is built within the existing framework of intellectual property rights as defined by relevant international conventions and respects the authorship of the work". Through the OER DECLARATION 2012 PARIS, UNESCO promotes the building and awareness of OER among member countries. In the 2017 Ljubljana OER Action Plan, UNESCO highlights inclusivity in OER and emphasizes the adoption of OER among committed member countries. Since 16/06/1958, Malaysia is a Permanent Delegate to UNESCO. The Commonwealth of Learning report entitled "Towards National Policy Guidelines on Open Educational Resources in Malaysia" was published in 2017. The report emphasized the importance of open educational resources (OER) for improving equality in education. OER are a worthwhile option to make education more accessible, affordable, shareable and reusable. The adoption, expansion and enculturation of OER with the aid of information and communication technology in Malaysian education will transform educational practices through the effective use of educational resources available with open licenses. Several higher education institutions in Malaysia have joined the OER movement. However, there is not yet widespread understanding about OER and open licenses due to the lack of specific guidelines. In Malaysia, the National eLearning Policy (DePAN 2.0) focuses on open courseware, and it is important to develop specific guidelines for the same. With the support of the Commonwealth of Learning, the Universiti Sains Islam Malaysia (USIM) conducted this study and organized a national consultation to develop draft guidelines that may be adopted by the appropriate education ministries in Malaysia. Malaysia was selected as a host country for Asia Regional Consultation (ARC), held on 1st and 2nd December 2016, to gather OER experts and policy makers from more than 100 countries, organised by the Commonwealth of Learning in cooperation with UNESCO, to compile recommendations for the adoption of inclusive OER. The objectives of the ARC

were: to raise regional awareness about the importance of OER and its relationship to SDG4, to provide a hands-on experience for all participants to establish personal OER knowledge, to explore mechanisms to facilitate the mainstreaming of OER, to identify strategies and solutions to overcome the challenges or barriers to mainstreaming OER; and, and to agree on inputs that factor into the planning of the 2nd World OER Congress. The objective of identifying strategies and solutions to overcoming the challenges or barriers to the mainstreaming of OER is of specific relevance to the iOER policy as individuals with disabilities are likely to face multiple challenges when they try to access content which has been developed without due attention to the different classes of learners.

The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) emphasises access to education, among other things, as an important consideration towards making reasonable accommodations for persons with disabilities. Within the context of the UNCRPD, national governments are key players in the ratification and implementation process. Governments which ratify the UNCRPD are expected to set strategic plans which align and harmonise with national development goals and priorities and allocate resources for its implementation. In aligning with the objectives of UNESCO's efforts on establishing inclusive OER, this policy is an initiative to drive the national OER agenda towards supporting UNESCO Sustainable Development Goal 4 (Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all). Several higher education institutions in Malaysia have joined the OER movement. However, not all OER are designed in an inclusive manner. An inclusive learning experience involves content, activities and resources that fit and can be adapted to everyone's unique needs with no or minimal barriers. It is important to ensure that mainstreaming of accessibility and Universal Design for Learning (UDL) should be considered within a broader educational context of inclusive design for OER. However, there is not yet widespread understanding of inclusive OER and open licences due to the lack of a national policy governing the design, development and use of OER. Hence, it is essential for such a policy to be in place.

1. ***Open Educational Resources (OER)***: Based on the 2012 Paris OER Declaration (UNESCO, 2012, p.1)¹, OER is defined as teaching, learning and research materials in any medium, digital or otherwise, that reside in the public domain or have been released under an open license that permits no-cost access, use, adaptation and redistribution by others with no or limited restrictions. Open licensing can be built within the existing framework of intellectual property rights as defined by relevant international conventions and respects the authorship of the work.
2. ***OER Creation***: The design, development/production and online sharing of quality assured OER.
3. ***OER Adoption***: A practice of adopting existing OER for use in a course without any change.
4. ***OER Adaptation***: Because OER are openly licensed for revision, they can be adapted to help address issues of diversity, equity, and inclusion into the learning environment.
5. ***OER Integration***: A logical and systematic approach to the “five Rs” (Hilton, Wiley, Stein & Johnson, 2010)² of reusing, revising, remixing, redistributing and retaining of OER.
6. ***OER Sharing***: Making OER freely accessible, in editable formats, in online repositories.
7. ***Inclusivity***: The provision of **OER** to all learners, including learners who have been marginalised in many educational settings: and students from low-income communities and minorities, learners with disabilities, learners who are gifted and talented, learners from diverse cultures and linguistic backgrounds, and learners in rural areas. The opportunity for all learners and educators to contribute to and participate in the creation, revision, reuse and remixing of OER.
8. ***Inclusive OER (iOER)***: Not all OER are designed in an inclusive manner. Just because content is openly available does not mean it is accessible to everyone. The design and delivery of OER shall provide equitable interaction to all learners including those with disabilities. Universal and inclusive design as well as assistive ICT for specific impairments shall be adopted to enable the inclusivity of OER. Inclusivity in OER covers accessible content and technology.

¹ UNESCO. (2012). 2012 Paris OER Declaration. Retrieved from http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/WPFD2009/English_Declaration.html

² Hilton, J., Wiley, D., Stein, J., & Johnson, A. (2010). The five R's of openness and ALMS Analysis: Frameworks for open educational resources. *Open Learning: The Journal of Open and Distance Learning*, 25(1), 37-44.

9. **Accessibility:** Article 9 of the UNCRPD states: 'To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services, open or provided to the public, both in urban and in rural areas.' Accessibility is one of the general principles within Article 3 of the UNCRPD.
10. **Assistive Technologies:** Assistive Technologies: BATA (2011) suggests that: 'AT is any item, equipment, hardware, software, product or service which maintains, increases or improves the functional capabilities of individuals of any age, especially those with disabilities, and enables them more easily to communicate, learn, enjoy and live better, more independent lives' (British Assistive Technology Association (BATA), 2011. Assistive technology services can be defined as any service that directly assists an older adult or individual with a disability in the selection, acquisition, or use of an assistive technology device. This includes: evaluation, acquisition, adaptation/modification, co-ordination of therapies, training of end users, families and professionals, provision, maintenance, repair and replacement of accessible information technology. (From the US Assistive Technology Act of 1998, as amended).
11. **Disability:** Disabilities refer to learners who is certified by a medical practitioner or psychologist as having - visual disability, hearing disability, speech disability, physical disability, learning difficulties or multiple disabilities with any combination of the above mentioned. These disabilities may be permanent or temporary.
12. **Universal Design for Learning (UDL):** Universal Design for Learning (UDL) means a scientifically valid framework for guiding educational practice that —(a) provides flexibility in the ways information is presented, in the ways students respond or demonstrate knowledge and skills, and in the ways students are engaged; and (b) reduces barriers in instruction, provides appropriate accommodations, supports, and challenges, and maintains high achievement expectations for all students, including students with disabilities and students who

have limited English proficiency. Incorporation of UDL in OER for Learners with Disability refers to OER that provides the opportunity for learners with disabilities to access, participate in, and progress in the general-education curriculum by providing either multiple means of engagement and/or multiple means of representation, and/or multiple means of actions and expressions according to UDL guidelines.

12 a. Inclusive Design Practice Leveraging the diversity of OER, and the open permission to create new variants, as a means of matching diverse learner requirements (one-size-fits-one learning experiences), within an OER system. Inclusive Design Practice recognizes that: all learners are diverse; this diversity should be addressed in an integrated system; learners benefit from understanding their own diverse needs; the OER processes should be designed to be accessible to all learners and educators; and, that education is a complex adaptive system and OER designed for diversity should benefit all learners and educators. Inclusive Design Practice leads to Accessibility and achieves Universal Design for Learning.

13. ***Content Developer:*** Any person (typically author) engaged in the design and development of educational materials.
14. ***Copyright Laws:*** Laws that regulate the use of the work of a creator, such as an artist or author. This includes copying, distributing, altering and displaying creative, literary and other types of work as per copyright act of Malaysia (Malaysia Copyright Act 1987). Unless otherwise stated in a contract, the author or creator of a work retains the copyright. The author(s) retains the moral rights to the right to assign the rights to any other person or legal entity and share the materials with others in any other conditions he/she may desire.
15. ***Open License:*** "A license that specifies what can and cannot be done with a work (whether sound, text, image or multimedia). It grants permissions and states restrictions. Broadly speaking, an open license is one which grants permission to access, re-use and redistribute a work with few or no restrictions".³
16. ***Creative Commons:*** Creative Commons (CC) is a non-profit organization that is devoted to expanding the range of creative works available for others to build upon legally and to share. CC licenses are the global standard for openly licensing OER.
17. ***Institutional Repository:*** A set of services offered by an institution "to the members of its community for the management and dissemination of digital

materials created by the institution and its community members. It is most essentially an organizational commitment to the stewardship of these digital materials, including long-term preservation where appropriate, as well as organization and access or distribution”⁴.

Higher Education: A body corporate, organisation or other body of persons which conducts higher education or training programmes including skills training programmes leading to the award of a higher qualification or which award a higher education qualification and includes public or private higher education providers, examination or certification bodies or their representatives.

18. **Knowledge societies:** Knowledge societies according to UNESCO means societies in which people have the capabilities not just to acquire information but also to transform it into knowledge and understanding, which empowers them to enhance their livelihoods and contribute to the social and economic development of their societies.

³ <http://opendefinition.org/guide/>

⁴ Lynch, C.A. (2003). Institutional Repositories: Infrastructure for Scholarship in the Digital Age, ARL 226, Retrieved from <http://www.arl.org/storage/documents/publications/arl-br-226.pdf>

Policy Declaration

The Malaysian post-secondary institutions, hereafter referred to as “institution”, will promote and implement the creation, reuse, revision, remixing, redistribution and retention of inclusive Open Educational Resources (iOER) within an Open Licensing framework.

The long-term vision of this National Policy on inclusive Open Educational Resources (iOER) is to ensure the adoption of iOER by Malaysian Higher Learning Institutions (HLIs) to provide quality education access to all learners in particular persons with disabilities.

The Policy envisions that iOER will be used effectively in education to enable all learners – in particular those with disabilities – to learn according to their individual learning preferences as well as learning styles and to promote the long-term inclusion into wider society of learners with disabilities, particularly through enhancing their social inclusion and employment opportunities.

1. Policy Statements:

- 11 The role of the Ministry of Education shall be to support Higher Learning Institutions (HLIs) in promoting the iOER initiative by providing the required policy direction, administrative and financial support, which is part of lifelong learning and globalized online learning agenda in the Malaysia Educational Blueprint (MEB).
- 12 Institutions shall develop their respective policy document to support iOER in alignment with the national iOER policy, taking into consideration their specific needs and resources.
- 13 Institutions will support, promote, foster and recognize all efforts towards the creation, adoption, adaptation, integration and sharing of iOER in course design, development, quality assurance, delivery and maintenance.
- 14 Institutions, as publisher and owner of the content, will decide on the content to be published as iOER in consultation with the relevant Faculty/School/Department/Division.
- 15 Academic staff and academic support staff shall participate in the

philosophy of iOER in building capacity and positive attitudes for effective creation, adoption, adaptation, integration and sharing of iOER in the development and delivery of courses as well as other social and professional engagements.

- 16 Academic staff and academic support staff will plan and implement suitable academic activities involving the reuse, adoption, adaptation, creation and integration of iOER to offer courses or programs for learners to enable them to acquire appropriate competencies and desired qualifications.
- 17 Institutions shall develop and incorporate a Continuous Quality Improvement (CQI) mechanism that will facilitate informed decisions for any amendments during iOER implementation.
- 18 The design and delivery of iOER shall provide equitable interaction to all learners including those with disabilities. Universal and flexible design as well as assistive technologies (AT) and inclusive ICT shall be adopted to enable the inclusivity of OER. Inclusivity in OER covers accessible content and technology.
- 19 The Quality Review Board shall be responsible for coordinating developmental activities in the event that multiple agencies are involved in the development of iOERs.

2. Policy Objectives

The objectives of the policy are to:

- 21 Establish iOER governance and institutionalization at national and institutional level;
- 22 Formulate the necessary strategic direction, that will include inputs, outputs, tasks and performance indicators to achieve iOER creation, adoption, adaptation and integration in the development and delivery of educational content;
- 23 Develop awareness about the concept and practices related to iOER among staff, learners and the public;
- 24 Build capacity among the academics, learners and non-academics to utilize and optimize iOER appropriately in their professional engagements through continuous professional development;
- 25 Establish relevant documentations and support system for the design, development, utilization, and monitoring of iOER;
- 26 Establish repositories and metadata to disseminate iOER; this includes metadata that assists in identifying the accessibility characteristics of OER to assist in finding resources that meet the diverse requirements of individual learners.
- 27 Implement, monitor and evaluate the sustainability of this policy;
- 28 Recognize all stakeholders for upholding and sustaining iOER;
- 29 Promote collaboration among stakeholders to enhance iOER; and
- 2.10 Integrate relevant changes based on new developments in iOER.

3. Scope and Applicability

- 3.1 Unless notified by the Ministry of Education Malaysia as special exclusion, this iOER policy is applicable but not exclusive to:
- 3.1.1 All Malaysian post-secondary institutions and/or higher educational institutions.
 - 3.1.2 All content developers appointed by the institution on a permanent/temporary/contract basis/vendor basis;
 - 3.1.3 All staff responsible for procuring educational resources and tools to author educational resources.
 - 3.1.4 All support and management staff appointed by the institution on a permanent/temporary/contract/vendor basis;
 - 3.1.5 All types of educational materials and resources released in physical and/or digital format.
 - 3.1.6 Quality Review Board appointed by the institution.
 - 3.1.7 In cases where the material is developed in collaboration/partnership with other institutions, the guidelines governing the collaboration/partnership as indicated in the MOU/MOA will prevail. However, any such agreement should duly consider this iOER Policy before any deviation is agreed upon and approved by the competent authority of the institution.

4. Copyrights and Licenses:

- 4.1 Relevant author(s) is/are the absolute owner of any content created by the author(s) unless they have been contracted to produce the content by an employer as described in the Malaysian Copyright Act 1987 (Act 332)
- 4.2 The institution supports the four OER Compliant² Creative Commons licenses (CC BY, CC BY SA, CC BY NC, CC BY NC SA) and/or dedicating the work to be public domain (CC0)³ on all iOER it owns or co-owns;
- 4.3 The choice of license will be decided by the relevant author(s) who has/have developed the material and will be endorsed by the internal iOER Quality Review Board;
- 4.4 The institution will make all iOER it owns available through the iOER repository under the chosen Creative Commons license;
- 4.5 All materials developed by the institution will comply with and be released under a Creative Commons License. For derivatives and reproductions of other CC licensed materials, the institution will respect the CC provisions and the licenses therein.
- 4.6 It is the responsibility of the author(s) of the content to comply with the provisions of the Creative Commons License when revising or remixing existing iOER.
- 4.7 The license declaration on the iOER will be in the Title, Author, Source, License (TASL) format:

20XX [Name of the institution][Title of the work, [Author of the work], [URL, where the work is hosted which can be alternatively linked to the Title text]. Except where otherwise noted, this work is licensed under the terms of the Creative Commons Attribution 4.0 International License .

- 4.8 Relevant institution reserves the copyright of the institutional logo used in all of its materials and does not permit the use of its logo without written permission for derivatives of its works.
- 4.9 The iOER that has been openly licensed cannot be retracted.

² The two Creative Commons no derivative (ND) licenses (CC BY ND, CC BY NC ND) are not OER compliant because they do not allow for revising or remixing the openly licensed work.

³<https://creativecommons.org/share-your-work/public-domain/cc0/>

5. Quality Assurance & Review (CQI)

Quality Assurance and Review System. The iOER repository will strive to provide quality assured resources.

- 5.1 Learning resources developed by the institution through peer reviewing and with a strict quality assurance mechanism incorporated in the course development process will not require review prior to uploading on to the iOER repository. All other contributions will be peer reviewed within the formal and non- formal program before uploading the material onto the iOER Repository;
- 5.2 An iOER Quality Review Board (iOER-QRB) shall be established by the institution. The board should consist of subject matter and technical experts including relevant stakeholders (i.e. persons with disabilities);
- 5.3 The iOER-QRB shall be authorized to review the design, production, content, delivery, access of iOER and other relevant matters (if any);
- 5.4 The iOER-QRB shall ensure that the process of due diligence includes peer review and field trials. One of the possible field trials may be a Randomized Control Trial;
- 5.5 The iOER-QRB shall ensure that each iOER incorporates a mechanism to ensure the assessment of learning outcomes;
- 5.6 The members of the iOER-QRB shall have a stipulated term subject to the discretion of the head of the institution;
- 5.7 The iOER-QRB shall report directly to the head of the institution;
- 5.8 The institution shall ensure that the peer review process is conducted in accordance with an established framework as decided by the iOER-QRB;
- 5.9 The institution shall ensure that the iOERs are reviewed periodically by the iOER-QRB within the context of Continuous Quality Improvement (CQI) in order to comply with current developments in policies, guidelines and technologies.
- 5.10 The iOER-QRB will adopt a set of inclusive quality assurance (QA) guidelines and indicators (such as the UDL and Inclusive Design) or as specified by the Ministry of Education in the review process.

- 5.11 The institution shall permit the iOER-QRB to share its best practices with other HEIs and pertinent Public and Private Agencies.
- 5.12 The HEIs shall ensure that academic staff are made aware of the review process and that adequate succession planning is implemented in order to enable sustainability.
- 5.13 The HEIs shall ensure that the current development in technologies which permit greater accessibility and user directed learning such as Artificial Intelligence are reviewed and incorporated into existing iOERs based on current developments. `

6. Liability

- 61 All iOER materials in the institutional repository will carry a disclaimer indicating that the material is for educational purposes only and that the relevant institution absolves itself of any practical misuse of the iOER materials or their content. iOER materials authored and published by staff of the relevant institution do not necessarily reflect the opinion of the relevant institution.
- 62 An additional caveat will indicate that derivatives of this work are not authorized to use the institution's logo without prior written authorisation from the institution.
- 63 Each institution shall develop a disclaimer which considers their unique situational requirements.

7. Institutional Arrangements

- 7.1 The iOER produced by the relevant institution will be hosted in an online institutional repository.
- 7.2 The relevant institution shall designate relevant department/division that will be responsible for providing access, maintaining the repository and providing technical support.
- 7.3 Capacity building will be conducted for stakeholders engaged in iOER creation, adoption, adaptation and integration.
- 7.4 Content developers will be sensitized to the needs of individuals with disabilities via a process of training and consultation with pertinent public and private agencies of disabled individuals.
- 7.5 The HEIs shall facilitate the engagement of student in the process of content curation and development via a process of sensitization, training, support and recognition.
- 7.6 Regular updates/training on new developments in the field of iOER will be provided by the relevant institution's departments /divisions.
- 7.7 The HEIs shall encourage and support research pertaining to the design, development, implementation and impact of iOERs by providing adequate financial support and recognition.
- 7.8 The HEIs shall ensure that the research findings shall be disseminated in the public domain in order to facilitate the process of collaborative engagement across HEIs, stakeholders and the general public.

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