

A woman with long dark hair is shown in profile, looking at a computer monitor. She is sitting at a desk in a modern office environment. There are several computer monitors visible, some displaying code or data. The background is slightly blurred, showing other office equipment and a bright, airy atmosphere.

SUMMARY

EXPLORATORY STUDY: UPSCALING OPEN AND ONLINE EDUCATION

CURRENT REGULATIONS AND
CONSIDERATIONS FOR THE FUTURE

ABOUT

This is a summary of the publication Exploratory study: [upscaling open and online education, current regulations and considerations for the future](#) (pdf, in Dutch).

The study was prompted by the wide range of questions educational institutions in the Netherlands have when planning to offer (some of) their courses in an open and/or online format. Under what conditions can courses be offered exclusively online? How does this correlate with mandatory contact hours and the requirement for a substantial part of the teaching to take place on the educational institution's campus? Can students also take exams online? How can another institution's open module be incorporated into your own course? And how can you develop learning materials with open licenses or reuse them in your own teaching? This study is designed to be used as an instrument for Dutch universities and colleges of higher education planning to offer open and online courses.

SUMMARY

The number of online courses and online teaching materials available – whether with an open licence or otherwise – is growing by the day. This may have a significant impact on the quality of teaching, the effective use of contact time, the creation of flexible learning pathways, the implementation of individualised learning and the provision of an international learning environment. Online courses and the open availability of a wide range of learning materials from all over the world are creating new opportunities in day-to-day educational practice.

However, this trend also raises many practical questions regarding the legal framework governing these courses and their organisational structure. How can these types of courses be upscaled and embedded in the education system in the best possible way? What adjustments are required either now or in the long term if we wish to be able to take full advantage of the potential applications? What does online education (online teaching materials) mean in the long term for Dutch higher education institutions?

This exploratory study seeks to provide a clearer picture of the existing regulatory framework. We have discovered that institutions aiming to offer online education (open or otherwise) find it difficult to understand exactly which regulations apply due to the fact that the various policy guidelines are extremely fragmented at present. An initial recommendation would therefore be to formulate the regulations that apply to online education more coherently.

As far as the five themes of this exploratory study are concerned, the following conclusions can be drawn:

SUPERVISION OF STUDENTS

Contact time in online education	
<i>Current situation</i>	<i>Future</i>
<p>In the context of the government's performance agreements for institutions of higher education, a minimum amount of contact time applies to the first year of full-time Bachelor's programmes. Virtual contact, such as online supervision, comes under the definition of contact time at research universities. For courses offered by universities of applied sciences, however, this is not the case, unless the institution has concluded a different individual performance agreement.</p> <p>Such minimum requirements for contact time do not apply for the other years of the Bachelor's and Master's phase. Consequently, the institutions have the scope they require to interpret contact time and supervision as they see fit during that phase.</p>	<p>Although higher educational institutions are responsible for the quality of the education they offer, and for retention and supervision of students, the question is whether concepts such as contact hours and physical location will be the most adequate tools for this job in the future. The concepts of 'retention' and 'supervision' should be reviewed in the context of online education. Inspiring interaction between students and lecturers can also take place in online learning communities: face-to-face contact time does not have to take priority in all cases. It is important to differentiate here between target groups. In any event, the expiry of the performance agreements in 2016 offers the opportunity to modify the definition of contact time, particularly in the case of universities of applied sciences.</p>

IMPACT OF ONLINE DELIVERY OF EDUCATION

Percentage of online teaching in the programme	
<i>Current situation</i>	<i>Future</i>
<p>The government's Policy Guidelines on the Efficiency of Higher Education 2014 (Beleidsregel doelmatigheid hoger onderwijs 2014) do not impose a limit on the use of online methods in an institution's own study programmes. However, the inclusion of online courses offered by other institutions is limited to one third of the curriculum. It is not completely clear whether the '25% rule' (at least a quarter of the programme must be physically attended in the Dutch programme in the Netherlands) applies to students who attend Dutch higher education courses exclusively online from abroad.</p>	<p>Said policy guidelines are based (in part) on existing ideas pertaining to the added value of face-to-face teaching compared with online and asynchronous teaching. This should be critically reviewed in the context of the planned upscaling of open and online education. 'Physical location' assumes a different meaning when education is becoming increasingly international and digital, and the question is what impact this has on the concept of efficiency. Another question is whether the provision of teaching at the institution's physical location is a prerequisite for ensuring that students 'identify' with the programme.</p>

ONLINE TESTING

Online proctoring	
<i>Current situation</i>	<i>Future</i>
<p>The Higher Education and Research Act (WHW) does not contain provisions that restrict the use of online proctoring. Nevertheless, it is important that the use of the online proctoring process is defined in close consultation between the programme's managers and the examination board.</p> <p>Also, the Data Protection Act (WBP) does require additional measures for the use of online proctoring, compared with physical testing.</p>	<p>An important step in the short term is to clarify the implications of the Data Protection Act. Over the next few years, good practices will emerge from institutions which have used the opportunities available to them to implement online proctoring in a way that meets the requirements of the Data Protection Act.</p> <p>Online proctoring should also be considered from a scalability perspective. Not all forms of testing are suitable for large numbers of online students.</p>

RECOGNITION OF
ONLINE EDUCATION IN
FORMAL EDUCATION

Quality assurance where online education is incorporated within formal education	
<i>Current situation</i>	<i>Future</i>
<p>Where online modules are incorporated within the curriculum, they will be subjected to the programme's internal quality assurance process. The institution must ensure that the online elements are guaranteed within its internal quality assurance process and that the necessary expertise to judge this is available within the institution.</p>	<p>In order to guarantee the quality of online modules, it is important that external (review) panels and the examination boards have sufficient expertise in the field of online education. If an institution incorporates external online modules into its own curriculum, financial considerations (such as the costs of verified certificates) will also play a role.</p>

OPEN AND ONLINE
LEARNING MATERIALS

Copyright over self-developed teaching materials	
<i>Current situation</i>	<i>Future</i>
<p>The main piece of legislation here is general copyright regulations. In addition, the collective labour agreements (CAOs) covering lecturers in higher education contain standard agreements regarding the right of ownership of materials developed in the context of employment. The CAOs of colleges of higher education and universities vary in this context.</p>	<p>It is important to raise awareness among institutions and lecturers of the rights associated with the materials. Each institution must clarify the copyright for self-developed teaching materials as extensively as possible. This is in addition to the provisions of the CAOs (which are different for research universities and universities of applied sciences).</p>

Use of externally developed open educational resources (OER)

<i>Current situation</i>	<i>Future</i>
As indicated on several occasions in this exploratory study, the use of OER, or the incorporation of OER into one's own teaching materials, is of significant added value. However, the rights of use over external materials are not always obvious.	It is important that lecturers are aware of the (potential) copyrights associated with materials that they wish to use in their teaching. The institution can help lecturers with this.

Online provision of copyrighted material

<i>Current situation</i>	<i>Future</i>
Many textbooks and other necessary literature are copyrighted and can only be shared (digitally) if an agreement is concluded between the parties involved. Under the terms of the Higher Education and Research Act, educational institutions can prescribe the study materials themselves, but cannot prescribe the manner in which the student obtains them. Consequently, institutions cannot ask students to pay extra for the online provision of materials (in addition to their fees).	One problem with making copyrighted material available digitally is that the transition from paper to digital learning materials may lead to situations where there are differences between students, since the manner of provision may not be imposed. A major challenge is to create a different business model which is so advantageous that it appeals to all students and is simultaneously attractive to publishers.

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More information

- SURFnet innovation project Open and online education:
www.surf.nl/open-and-online-education

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