Delivering remote access to Jisc-licensed content to students outside of the UK

Guidance for UK education providers in response to the COVID-19 pandemic

The current context, supporting students studying from outside the UK

Many UK education providers are now grappling with understanding how best to provide access to licensed published content for their international students. These students fall into two groups: those who came into the UK to study for their course, and those who are usually located in partner locations abroad, or campuses (transnational education, or, TNE students). Due to the COVID-19 pandemic, the majority of these students are now likely to be studying from home, joining the ranks of distance learning students who usually undertake their studies via this mode of access. This guidance is specifically aimed at answering questions we have received from representatives of SCONUL, RLUK, UUKi and the UK Higher Education (HE) library community.

Can libraries provide access to content to students studying at home, when outside of the UK?

For any students registered with a UK education provider, where the library has licensed access to content through Jisc, nothing really changes during the COVID-19 pandemic. This is because Jisc’s Model Licence, used as the basis of agreements with publishers, accommodates remote access use for Authorised Users. If students are now studying from home, wherever located, they are still covered for access to a university’s licensed content, such as journals, books and databases.

In this context, when it comes to Jisc licence agreements and delivering their associated licensed content to students, the mode of delivery shifting to remote online access is not important. The key is the underpinning educational contract between the TNE students and UK education provider awarding them. It is this that establishes whether or not such students can be considered Authorised Users of Jisc licensed content in the first instance and therefore in a position to benefit from home-based, remote access to it. The question that a UK University needs to answer is, therefore:

Are the students in question registered with the UK education provider or not?

In the HE context, all TNE students are studying for an award from a UK HE education provider, but not all of them are registered with the UK HE education provider acting as the awarding body. Sometimes, the educational contract for a TNE student resides with an overseas partner and not the awarding UK HE education provider.
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<thead>
<tr>
<th>Code 1</th>
<th>Code 2</th>
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<tbody>
<tr>
<td>Overseas campus of UK HE education provider</td>
<td>Other arrangement including collaborative provision</td>
<td>Distance, flexible or distributed learning</td>
<td>Overseas partner organisation</td>
<td>Other Arrangement</td>
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<tr>
<td>Registered at UK HE education provider - Studying overseas for UK HE education provider award at overseas campus of said UK HE education provider</td>
<td>Registered at UK HE education provider - Studying overseas for UK HE education provider award other than at an overseas campus of said UK HE education provider</td>
<td>Registered at UK HE education provider - Distance, flexible and distributed learning UK HE education provider award where the location of the student is known to be overseas</td>
<td>Registered at overseas partner organisation - Studying overseas for an award of the UK HE education provider</td>
<td>Any other student studying overseas for an award of a UK HE education provider</td>
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Jisc licence agreements align to the term ‘registered’, as used by HESA. The term, ‘registered’, here, is defined by the relevant funding council of UK HE education provider, and where students resides overseas for the duration of their studies. This forms part of the data that UK HE education providers formally report on via the HESA Aggregate Offshore Record (AOR). The table above, derived from HESA guidance, and adapted for ease of reference, illustrates how HESA seeks TNE activities to be reported to HESA, against five ‘Type Of Activity’ codes within the HESA AOR. The first three codes make specific reference to registered students of UK HE education provider, and it is those students reported in these (Codes 1-3) who we assert to be Authorised Users under the terms of Jisc licence agreements.

**What if we change where we record students in the HESA reports?**

If students were registered with the UK education provider prior to the pandemic, and they remain so as a result of it, they are and continue to be Authorised Users of Jisc licences. This assertion of what constitutes an Authorised User in Jisc Collections licence agreements, constitutes our licensing approach with publishers as part of our service, Transnational education licensing (available to our HE members), therefore these students are no different from a UK education providers ‘home’ student population in this regard.

For Jisc’s HE members, if your response to the pandemic results in reporting your registered students, as registered students, but now under the HESA AOR Type Of Activity Code 3, again and specifically, this does not essentially change anything in terms of their rights to access Jisc licensed content remotely under the terms of Jisc agreements. It would simply mean that student would now be being reported as studying for an award from the UK HE education provider, but in the distance learning mode, as outlined below, and as Authorised Users, they are able to access Jisc licensed content remotely:

"Distance, flexible and distributed learning" denotes educational provision leading to an award of an awarding provider delivered and/or supported and/or assessed through means which generally do not require the student to attend particular classes or events at particular times and particular locations. This approach is in line with the QAA Code of practice (for the assurance of academic quality and standards in higher education, QAA Quality Code for Higher Education.

https://www.hesa.ac.uk/collection/c19052/a/type
What about changes in usage?

We cannot yet say how or if any change of location of study will impact on usage figures. Wherever located, these students will still be associated with the UK education provider when authenticated access to content is provided by them, so JUSP data will show an overall variance. In addition to students simply accessing content from a different location in such a context, an increase in usage may also be associated with publishers opening up access to content beyond that which is licensed in various ways. Conversely, a decrease may be found if students located in particular territories are blocked from accessing content, as may prove to be the case in China.

Publishers will be aware of the situation and the question to consider in due course will be how to deal with usage reported for the period in question when undertaking a usage analysis.

What about students registered with an overseas partner organisation?

If students were not registered with the UK education provider prior to the pandemic and their registration status remains the same, these students would not be Authorised Users of Jisc licences. For Jisc’s HE members, these students are typically reported in HESA AOR Type Of Activity Code 4.

Where students would not be reported as being registered with a UK education provider, Jisc has identified four possible scenarios:

1. The students never had access to the content for their course pre-coronavirus so there is no expectation that they would now have access to it.
2. The UK education provider already has an agreement in place with a publisher, arranged directly. For those students to access course material provided by the UK education provider, you will need to check with the publishers if it is OK for you to provide students with remote access due to the current situation, whether or not the current terms of your agreement allow for this.
3. The UK education provider moves to register the students in response to, and for the duration of, the pandemic. For example, a shift from what would be the HESA AOR Type Of Activity Code 4 TNE to HESA AOR Type Of Activity Code 3 for Jisc’s UK HE members. This, in turn would facilitate a move to providing remote online access, as these students would become Authorised Users under the terms of Jisc licences.
4. The publisher may agree to use Jisc’s TNE Additional Authorised Users (AAU) Licence Addendum to the main Jisc Collections licence agreement to licence in these students so that they have the same access terms as Authorised Users. (See below).

Jisc’s Licence Addendum for Additional Authorised Users

TNE students of Jisc’s HE members, recorded in HESA AOR Type of Activity Code 4, are a group that our service, Transnational education licensing, is working to deliver routes to secure access to licensed content for, on behalf of service subscribers who have a need to deliver licensed content to such students.

Due to the COVID-19 pandemic, Jisc will contact all publishers prioritised for the Transnational education licensing service to ask them to agree to use the TNE AAU licence addendum, which would allow all students recorded in HESA AOR Code 4 to access the content under the same terms as the UK HE education provider’s main Jisc Collections licence agreement. This would mean that where an AAU Addendum is available, and where UK HE education providers decide to accept the TNE AAU Addendum, they would also be able to provide access to their licensed content for all those students. This would also mean that those students would have legitimate access to more content than currently. This is an aim of the TNE Licensing service anyway and we will communicate the publishers’ responses beyond the service membership. If the publisher requires a fee under certain circumstances this will be communicated also. How such students access the licensed content would need to be the same as those international students who normally study in the UK, but who are now back home studying remotely.
Further advice and guidance

Should Jisc member institutions wanting specific help in navigating their response to TNE and international student related content licensing challenges that are arising from the COVID-19 pandemic, or should they have questions regarding the above, please get in touch help.digitalresources@jisc.ac.uk. Alternatively, those seeking further, general assistance in support of their broader international activities in light of the pandemic, please contact international@jisc.ac.uk.

Information from publishers in response to our COVID-19 survey, showing what content they have made openly available, is accessible from the Resources for Coronavirus Crisis page on Licence Subscriptions Manager.

You may also be interested in our Transnational education licensing approach guidance document for librarians.

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