A circular watercolor splash with a gradient from light green at the top to yellow and orange at the bottom, with irregular, feathered edges.

Poll
Everywhere

What's the state of
your institution's
bookstore?

To join, text
COLLEENSANDE840
to **37607**

Reading the Fine Print:

Libraries Defending Academic Freedom, Students' Rights & OER

Oregon & Washington Library Associations Joint Conference, April 20, 2019, Vancouver, WA



Jane Littlefield Kerry Leek Colleen Sanders

Honorary presenters:
Sarah Nolan & Alison Ihrke

Librarians @ Clackamas Community College

Why did we
get involved?





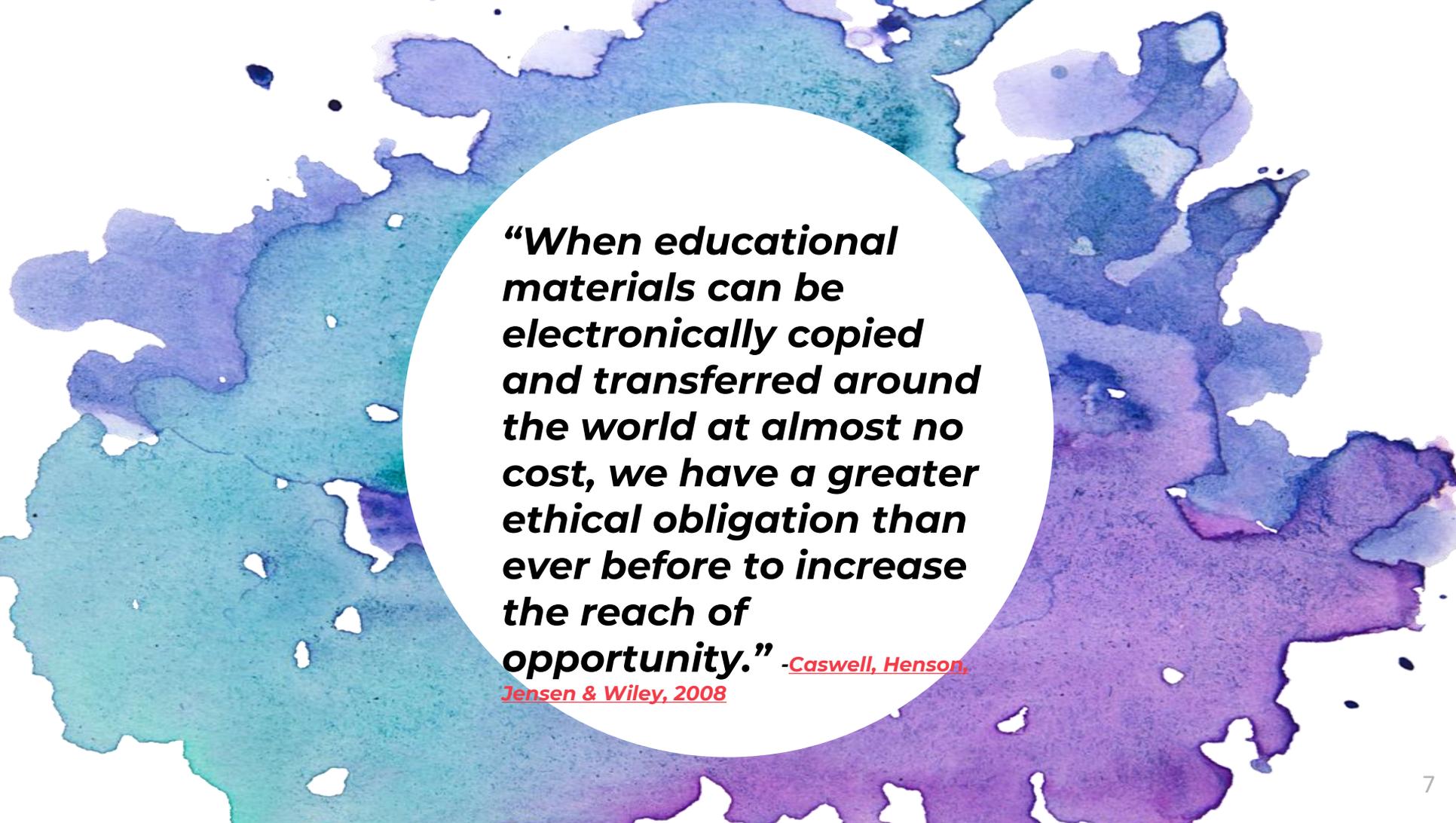
What is the purpose of
a college bookstore?

Poll Everywhere





Students' rights

The background of the slide is a watercolor wash in shades of blue, teal, and purple. A large white circle is centered on the page, containing the main text. The text is in a bold, black, sans-serif font.

“When educational materials can be electronically copied and transferred around the world at almost no cost, we have a greater ethical obligation than ever before to increase the reach of opportunity.”

*-Caswell, Henson,
Jensen & Wiley, 2008*



Bookstore initiative announced



Public RFP presentations: 3 vendors



Amy Hofer posts to OER listervs



CCC/Barnes & Noble Contract Timeline

Contract awarded to BNED

Librarians read BNED RFP & sample contract

Problems in the Proposal (RFP)



Early process



**What
we did**

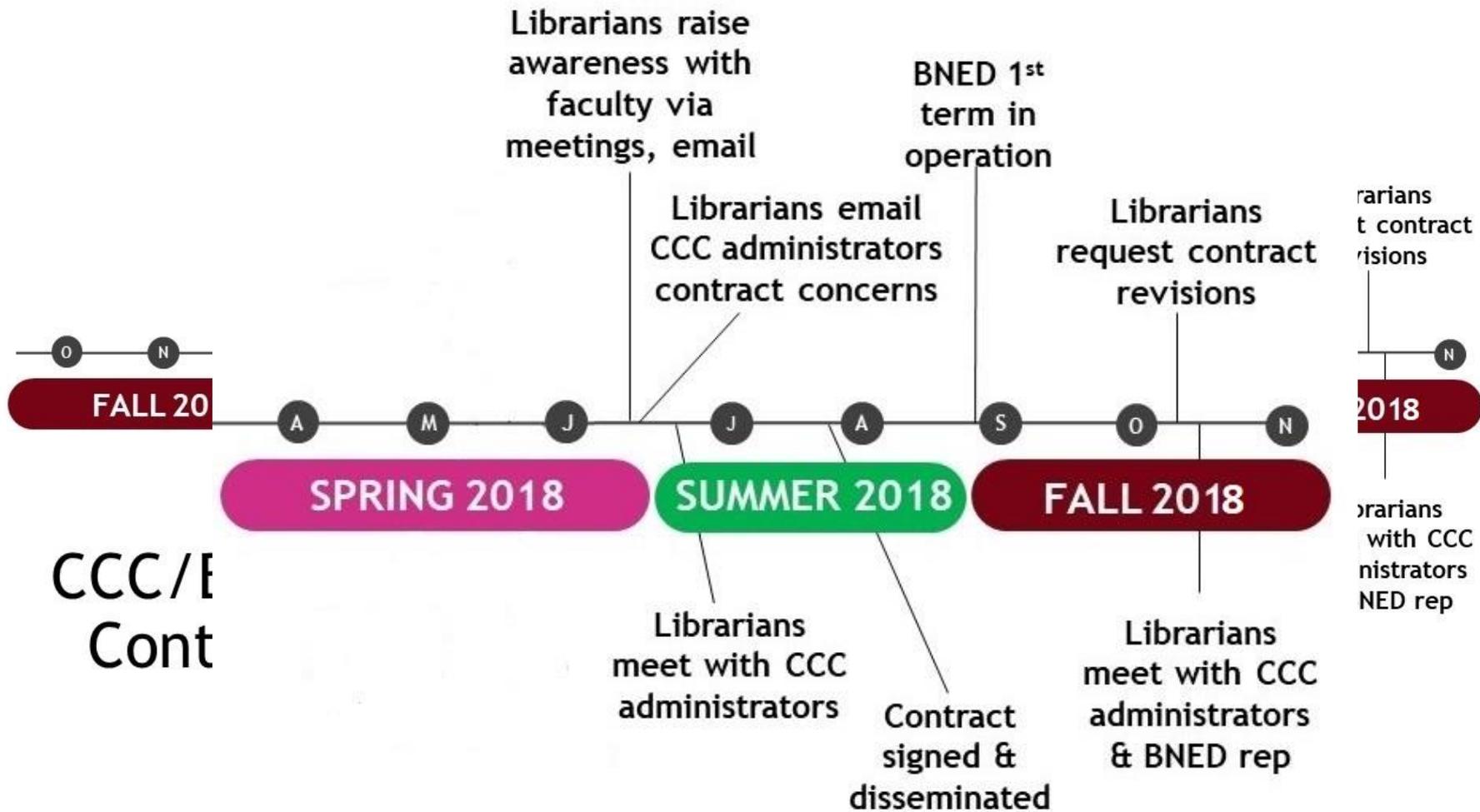
Email

Meet

**What
we'd do
differently**

**Reach out
earlier, more
broadly**

**Ask
questions
earlier**



Mid-process



**What
we did**

**Request
revisions**

**Meet
with
admin**

**What
we'd do
differently**

**Persist in
getting
promises
in writing**

???

BNED first term in operation

Bookstore Innovation
Group holds first
meeting



Department chair &
Directors meeting

CCC/Barnes & Noble Contract Timeline

Now

What
we are
doing

Speaking
out

Showing
up

Prepping



Outreach & Advocacy

CLACKAMAS
PRINT




Open Oregon
Educational Resources



OLA Quarterly

OCCLA
Oregon
Community
College Library
Association

 Lane
Community College™

EUGENE
weekly



Illustration by Quentin J. Piccolo, *The Torch*, 2019 March 6



“

“What [OER librarian Meggie] Wright feared was a contract that would resemble the one Clackamas Community College signed with Barnes and Noble College in 2018 to relinquish control of the college’s open education program to the private company.”

[Eugene Weekly](#)



“

“A lack of understanding of OER at the leadership level leaves your campus vulnerable to B&N’s promises of convenience and access to ‘OER’ and low-cost materials.”

-Us



Biggest Takeaways

- ☑ Talk about the purpose of a college bookstore
- ☑ Involve students
- ☑ Educate administrators about OER
- ☑ All parties believe that their method is the best method to serve students
- ☑ Follow your values

CHOOSE YOUR OWN ADVENTURE™

READING THE FINE PRINT

A COOPERATIVE WLA/OLA SESSION



**In our remaining time: Questions?
Planned programming? Discussion?
Storytime?**

**Agreement for Bookstore Services
between
Clackamas Community College
and
Barnes & Noble College Booksellers, LLC**

This agreement for Bookstore Services between Clackamas Community College (hereinafter referred to as "CCC") and Barnes & Noble College Booksellers, LLC (hereinafter referred to as "B&N College Booksellers, LLC") is made on the terms and subject to the conditions set forth herein. CCC hereby accepts such engagement.

The purpose of this Agreement is to provide college bookstore services at CCC locations and online through the CCC Bookstore website's that link to B&N College Booksellers, LLC. CCC has determined that entering into a contract with B&N College Booksellers, LLC is in CCC's best interest.

NOW THEREFORE IN CONSIDERATION of the mutual promises as hereinafter set forth, CCC and B&N College Booksellers, LLC agree as follows:

1. SCOPE AND TERM:

1.1 Agreement Scope

CCC grants B&N College the exclusive right and license to operate college bookstore retail services on CCC campuses. Exclusions for merchandise, books, and food and beverage purchases and sales are detailed in Section 1.3b below.



Contract Analysis



Further resources

Presentation: bit.ly/ccc-fine-print

Coursepack: bit.ly/ccc-fine-coursepack

[OpenOregon blog post](#)

[OLAQ article](#)

...and the CCC librarians.

Thank you.

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Leek**

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Colleen Sanders

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Presentation design

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Colors used



CCC/BNED Presentation Coursepack

A handout accompanying the April 20, 2019 presentation

*Reading the Fine Print: Librarians Defending Academic Freedom, Students' Rights & OER
at the OLA/WLA Joint Conference in Vancouver, WA.*



Presentation Agenda

This packet will hopefully offset the information-heavy nature of our topic and make our conference presentation a more interactive experience. Below is the structure of our talk, followed by some selected resources for your further reading.

1. Why CCC Librarians got involved in bookstore negotiations.
2. What is the purpose of a college bookstore?
 - a. What do we mean by students' rights?
3. Timeline, process, takeaways.
4. Outreach & advocacy.
5. Choose your own adventure:
 - a. Granular contract analysis?
 - b. Explore BNED OER platform LoudCloud?
 - c. Long-term effect on OER culture on campus?
 - d. Share your campus experience(s)
 - e. Open Q&A

BNED presentation to the CCC Board

REASON FOR BOARD CONSIDERATION:

College leadership is bringing this to the Board of Education because it is a significant change in service delivery method for bookstore operations. CCC has operated independent bookstores up to this point in time. CCC will enter into a contract with Barnes & Noble College for third-party bookstore operations with a target date of July 6, 2018.

EXPECTED OUTCOME/RELEVANCE TO STRATEGIC PRIORITY OR CORE THEME:

Academic Innovation & Relevance – By participating in a broader marketplace of course materials options, including open educational resources, CCC will have access to current and relevant academic/instructional materials that improve the student experience.

Financial Sustainability – The proforma for bookstore services through Barnes & Noble College provides stability for bookstore revenue streams over the forecast. We have seen a steady decline for the past five years in revenue contribution. This year we project \$40,000 transfer from the bookstore to general fund and anticipate that we will soon need to subsidize operations from the general fund. Barnes and Noble projects a \$200,000 contribution.

Excerpt from 6/27/18 [CCC Board of Education - Topic Summary](#) document.

Driving Affordability

Clackamas Community College

TEXTBOOKS | STUDENT OFFERS | APPAREL

WE PRICE MATCH TEXTBOOKS

RENT OR BUY

SAVE UP TO

80%

ON TEXTBOOKS

We Price Match Textbooks
No-Hassle Returns
The Right Book – Guaranteed

ORDER MY TEXTBOOKS & SAVE

- 100% of eligible titles available to rent
- Up to 80% savings
- Price Match Program
- Inclusive Access
- OER
- 1000's of Digital Titles

Clackamas Community College

BARNES & NOBLE COLLEGE

Screenshot from 6/27/18 [presentation to the CCC Board](#) about the benefits of partnering with BNED. [** emphasis ours*]

CCC/BNED Contract OER Sections

[emphasis ours]

1.2 Merchandising and Operations Authority of B&N College

If CCC opts into the **first day program**¹ at any time during this Agreement ... (i) B&N College shall be the exclusive retail (e-commerce) entity permitted to either **place a link on the LMS** or accept sales directly from Clackamas Community College students and/or as a fee added to tuition through the LMS and (ii) Clackamas Community College shall prohibit all third parties, including but not limited to publishers, sellers of textbooks and course materials, and providers of **open educational resources**, from placing direct links within the LMS

2.4J Pricing Structure: Open Educational Resources (OER), Low Cost Texts (LCT) and data for reporting

Not all OER materials are free. B&N College will **print OER at a 25% margin.** CCC will have the ability to use XanEdu offered OER content via the XanEdu website; however, XanEdu and B&N College do not provide course design work and support. CCC can adopt OER course materials independent of XanEdu's availability. **CCC faculty have complete academic freedom to select OER of their choice and inform students about their selected OER.**

B&N College will provide reporting data to CCC, as required by the State of Oregon, on the usage of OER in course adoptions at CCC, at the level of detailed required by the State of Oregon. **CCC can utilize OER platforms that give free content in addition to for-purchase content** (like OpenStax taking donations, or if the publisher prints an OER for CCC at cost or with a small markup). **CCC can use Open Oregon for OER materials.**

CCC is required to report to Open Oregon how many low cost texts (LCT) (\$40 or less) and OER courses exist at CCC. B&N College will collect and maintain that data and will provide the data counts to CCC when it is requested. **In addition, B&N College will work with CCC to establish a method to list or denote "Library Reserve Available" in the options for**

¹ BNED's inclusive access textbook model, "First Day™"

acquiring course materials.

B&N College will share course materials student prices with the CCC scheduling office by the date specified by the scheduling office for each academic term. This information will be used to confirm the LCT designation for courses. This information will be provided by B&N College beginning in Winter Term 2019.

B&N College will work closely with CCC with regard to LCT, per Appendix C as well as State of Oregon House Bill 2871, at the following link;

<https://drive.google.com/file/d/0B46XHijWzngTMVVLQThDNG5BLTg/view>

4.15K Purchased Services and Statement of Work

B&N College will provide Open Educational Resources (OER) to CCC faculty **in a very flexible manner**. The **OER program at CCC, in partnership with B&N College**, will enable CCC faculty to develop and use OER, and access OER for course through Open Oregon, as prescribed through state grant agreements. **CCC will be able to use OER through other source as desired.**

4.16 Academic Freedom and Access to Course Materials

a. Course materials adoptions will allow for CCC faculty to include and share language **in their syllabi and in their classrooms** that educate students about Course Reserves and other low-cost alternative textbook options, including those available through Clackamas Community College Library and the ASG Lending Library.

b. **CCC faculty have the ability to share required, recommended, or suggested course materials** and supplies in their classrooms with students. Classroom and information sharing can occur in the **physical environment**. Faculty are to abide by copyright and fair use laws.

c. This section is subject to the exclusivity provisions outlined in section **1.2** above.

On Outsourcing Community College Bookstores: A Position Statement

Clackamas Community College Librarians

The purpose of this letter is to advocate for equity in higher education by considering the role of the college bookstore. College bookstores impact academic services, students' access to information, and academic freedom for faculty. College-managed bookstores help realize the non-profit community college mission. Corporately-managed bookstores operate by a different motive: profit. Profit-driven motives threaten equity and have the potential to harm the least of us the most. Should your institution be considering a bookstore management shift, we advocate for a highly transparent, diligent, collaborative, and slow decision-making process built first and foremost on equity principles.

Community colleges fulfill a unique societal role of providing educational access, support, services, and relevant opportunities to all learners. Community colleges serve some of our most vulnerable and brave learners - those first in their family to attend college, those without strong support networks, those whose primary language(s) is not English, and those transitioning careers. In the best of times we partner, we nurture, we build trust and empathy on each learner's journey with us. Community colleges themselves are vulnerable - overworked staff, dire economic forecasts, compassion fatigue, PERS costs. In the worst of times we struggle to innovate and make tough decisions driven by bottom lines.

Clackamas Community College recently shifted management of the college bookstore to Barnes & Noble College (B&N). The two justifications for the shift were guaranteed general fund contributions and increased access to course material options and Open Educational Resources (OER)². The decision was made quickly. Below are five considerations to help you make more equitable decisions regarding bookstore management and contract negotiations.

We encourage you to consider the purpose of the College Bookstore. Is it a necessary service to students, providing them with required academic tools, and therefore worth potentially subsidizing as one does Advising, Counseling, Academic Support Services? Students, especially those without internet access, strong technology skills, time, or mobility, rely on the College bookstore to guide them to and provide them with resources required for classroom success - not optional resources suggested due to the items in their carts. (B&N does the latter). We maintain that the bookstore, despite taking money, should not be exempt from the equity-driven mission of a community college.

We encourage you to consider the future of Open Educational Resources in Oregon. OER increase the quality of pedagogy, student engagement, and learning material. Oregon's legislature recognizes the importance of access and equity in higher education by investing time, human capital, and funding into OER initiatives. This is because OER are free to users - free to access, share, download, remix, save, retain, reuse. B&N sells products, accessible behind a password-protected paywall, and calls them OER (and markets them to college administrators and boards as such³). Leadership who lack an informed understanding of OER leave the college vulnerable to B&N's promises of convenience and access to

² College Services / Instruction and Student Services. (2018, June 27). *New business action*. Retrieved from <https://drive.google.com/file/d/1-nVp9hmU7TtbfuXKVXxBQbP5xQoZD5hs/view>

³ President's Office. (2018, July 25). *CCC Board minutes*. Retrieved from <https://v3.boardbook.org/Public/PublicMeetingMaterials.aspx?ak=1001848&mk=50289483>

low-cost materials and “OER.” In addition, without a faculty-driven OER program, B&N will, by default, become the driver of OER efforts on campus. B&N also offers course design services when faculty adopt their “OER,” extending their influence into the classroom.

We encourage you to consider academic freedom. B&N sample contracts⁴ include language that impose restrictions on what faculty members are allowed to share with students. Despite faculty advocacy to remove all language dictating what information could be shared in classroom environments, the Clackamas B&N contract⁵ retains restrictive language and implications (e.g., physical classroom are mentioned in writing, online classrooms are not). And there is precedent that, should faculty challenge B&N’s restrictions on academic freedom with legal counsel, B&N will win⁶.

We encourage you to consider academic/corporate partnerships and the power of default. Students trust, by default, the community college to act in their best interests and not for profit, even when selling textbooks, access codes, and snacks in a college-branded bookstore. This partnership is not “just” a 3-5 year store contract with a vendor. This partnership changes academic systems: B&N integrates its products into Financial Aid, Registration, Advising, data collection, and scheduling. This partnership changes instructional support: Online Learning, Library, and other academic support personnel now assume the burden of teaching and troubleshooting B&N technology (e.g., LoudCloud, LMS integrations). This partnership changes systems, norms, and expectations. The College trades autonomy for a service contract that will be more difficult to negotiate on or withdraw from with each passing year.

We encourage you to consider the power of precedent and the importance of transparency. Written into the Clackamas B&N contract is a cooperative agreement clause allowing “other State of Oregon community colleges [to reuse CCC’s contract] without conducting a request for proposals process.” Essentially, B&N is supplying community colleges with an easy on ramp to partner with them under the assumption that the CCC contract is satisfactory. Librarians at Clackamas encourage you to read more than just the CCC B&N contract. There is a growing body of literature documenting librarians’ critical perspectives to and recommendations regarding college/bookstore partnerships⁷.

⁴ Barnes & Noble College. (2018). *Proposal for bookstore services for Clackamas Community College* [Proposal]. Oregon City, OR: Barnes & Noble College. Retrieved from https://drive.google.com/file/d/1sL_T19iuhQmDUa7J9IAeZi9w6kzFduFNo/view?usp=sharing

⁵ *Agreement for Bookstore Services between Clackamas Community College and Barnes & Noble College Booksellers, LLC* [Contract]. (2018, July 1). Retrieved from https://drive.google.com/file/d/1MyCyXRJr-aBGZz_5V1ankK1y0yvunBRe/view?usp=sharing

⁶ deNoyelles, A., Raible, J., Beile, P., & Norris, S. (2017). [Disrupting the model: Fostering cultural change through academic partnerships](#). In Diaz, C. (Ed.), *Affordable course materials: Electronic textbooks and open educational resources* (pp.103-117). Chicago, IL: American Library Association.

⁷ Leek, K., & Littlefield, J. (2018, Sept. 25). A Barnes & Noble Experience [Web log post]. Retrieved from <https://openoregon.org/a-barnes-noble-experience/>

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