**TIMC REPORT- Concerns/questions and recommendations for adopting Inclusive Access (B&N “First Day”) 6-2-22**

**POTENTIAL CONCERNS OR ISSUES:**

Lack of spending caps and contractual issues

* No cap in the contract on price- they can raise it periodically (institutional subscription)
* Past corporate trends:
  + Price increase during pandemic
  + Reduced student access to alternative low-cost texts
  + Prices are inflated when sales go down- consistent trend
* Contracts impact the entire institution, often based on administrator decisions, could reduce faculty choice and academic freedom
* Contracts AND prices can be negotiated with pushback- (they will say the contract cannot be negotiated but that is untrue).

Data Collection and the Impact of Data Breeches

* Inclusive Access collect student data- reading analytics- what about data breaches? What about the potential for data selling?
  + Contract language is vague on 3rd party access to data
  + We don’t have the data now to know what data mining and privacy concerns are connected to these programs/contracts
* What is the responsibility of institutions to inform students of the pros/cons and implications of joining the system

Students have difficulty in opting out and are frustrated by finding cheaper versions elsewhere-

* UC Davis model 2018/2020- national model- leveraged successfully
  + BUT – most common search term for Inclusive Access UCD- “how do I opt out?”
  + Anecdotal student comments (Reddit)- calls for transparency, evidence for lower cost versions on Amazon (so Inclusive Access is NOT necessarily cheaper)

\*Some of the above data is from May 2022 asccc-orei

Sequenced or linked courses

* Bookstore reports this doesn’t work well for continuation courses because the students don’t keep the content so they would be charged multiple times.

Potential logistical and financial complications for the campus:

* Which campus unit will track and recover lost funds if students do not pay, in either the opt-in or the opt-out system?

**TIMC RECOMMENDATIONS**

Recommendations to pilot

* It would be best to pilot on a course that is already doing a digital textbook. If instructors don’t like the program they don’t have to keep the program implemented.
* Perhaps a recommendation should be made for a broad pilot so we can get a full view across different disciplines.
* Pilot should include student feedback and surveys.

Recommendation to OPT IN ONLY and not opt-out

* Opt in vs. opt out course: Students have 2-week access, then they would receive an email saying they will either lose access (opt in) or that they will be charged (opt out) then a report would be run and the students remaining will be charged. It allows them instant access, but the concern is what if the student doesn’t pay or doesn’t have the funds. Using their financial aid money might be problematic due to students using that monies to survive.
* Long term financial implications of accidental joining through mandatory opt-out process: Students who owe fees, receive holds, if they do not pay their fees they are sent to collections, students can have tax returns and financial aid garnished.

Using a legal team to carefully review contracts

* Fine print must be understood
* Overall campus impact should be clarified
* Cost caps should be negotiated
* Privacy policy and plan for a data breech must be included
* Legal obligations for informing students of risks should not be professor responsibility but part of the contractual obligation of the bookstore

# ADDITIONAL RESOURCE: Automatic Billing/”Inclusive Access”- Concerns from CCC Senate

<https://asccc-oeri.org/automatic-billing-inclusive-access/>

[InclusiveAccess.org: Get the facts about automatic textbook billing](http://inclusiveaccess.org/)

During the COVID-19 pandemic in early 2020, when virtually all segments of education were suddenly forced to cease in-person instruction and teach at a distance, the benefits of resources that could be accessed digitally were made apparent to populations that previously may have not had an interest. At the same time, the marketing of novel approaches to providing students with low-cost access to commercial digital resources appeared to increase. While “inclusive access” may take many forms, it generally involves a process that provides students with access to digital resources that they are automatically charged for at the time of enrollment or that they must pay for by a time certain, or lose their access. Although it is a model that is likely better-suited for segments of higher education with a predominantly full-time student population, it has found its way into community colleges.

In February of 2020, a review of the implementation of these practices was conducted by the [U.S. PIRG (Public Interest Research Group) Education Fund](https://uspirgedfund.org/). The resulting report, [Automatic Textbook Billings – an offer students can’t refuse?](https://uspirg.org/feature/usp/automatic-textbook-billing), reviews what has transpired and highlights five major problems with the automatic billing contracts it reviewed. [The full report is available for download as a PDF](https://asccc-oeri.org/wp-content/uploads/2020/05/USPIRG_Textbook-Automatic-Billing_Feb2020_v3.pdf).

While the aforementioned report is a timely and thorough exploration of this practice, this publisher-provided approach to providing low-cost digital resources has been a matter of concern among the OER community. In July of 2019, OpenStax provided an overview of the practice and discussed reasons for concern in a blog post titled [Giving Inclusive Access a 2nd Look.](https://openstax.org/blog/giving-inclusive-access-second-look) They also shared [nine questions that should be considered to ensure a positive student experience with any implementation of this practice](https://openstax.org/blog/if-inclusive-access-horizon-ask-yourself-these-nine-questions). These are questions that institutions should be asking on behalf of their students:

1. Does the inclusive access program enhance academic freedom by offering affordable content from a variety of sources including open educational resources (OER)?
2. Does the inclusive access program provide permanent access to core content after the subscription period ends?
3. Does the inclusive access program have data agreements that protect students and provide data sharing transparency with the participating school?
4. Does the inclusive access program capture student data for advertising or marketing purposes?
5. Does the inclusive access program include reasonably priced print options for the 10 percent of students who still need or prefer it to digital material?
6. Does the inclusive access program offer fair pricing for online homework or other courseware components if offered separately?
7. Does the inclusive access program keep OER content free, or does it charge for it?
8. Does the inclusive access program have a clearly stated and generous opt-out period?
9. Is the inclusive access program fee clearly delineated as part of the course listing alongside other similar fees such as lab fees and tuition?

The [Academic Senate for California Community Colleges is on record expressing its concerns](https://asccc.org/resolutions/consider-implications-publisher-developed-lower-cost-%E2%80%9Cinclusive-access%E2%80%9D-strategies) – and the ASCCC OERI has conducted webinars on the topic. Regardless of whether such a program requires students to opt-out or opt-in, they offer a short-term resolution to a long-term issue.

The adopted ASCCC position calls on the Academic Senate for California Community Colleges to:

* provide guidance to local senates regarding the potential impact of inclusive access and questions to be asked about such programs if locally proposed;
* recognize the benefits and value of the used textbook market as a source of low-cost and lasting texts; and
* encourage faculty and colleges to carefully consider the impact of inclusive access and recognize that while such programs may address immediate student needs, they may not work in students’ long-term interest.