Advocacy Learning Community for OER
Week 2: Exploring Stakeholders

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25 April 2025
Advocacy Learning Community for OER
Online

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Some Roots of **Open**: A Morality Play...

The School of Athens by Raffaello Sanzio



Image in the public domain: Raffaello died in 1520. Original in the *Stanza della Segnatura* in the Vatican. This version: https://commons.wikimedia.org/wiki/File:%22The_School_of_Athens%22_by_Raffaello_Sanzio_da_Urbino.jpg.

Pythagoras[1]: Keeping Knowledge Secret on Pain of Death



He didn't prove or originate "his" theorem.

The *Pythagoreans* were quite like a *cult*, with odd dietary restrictions, belief in their leader's magical powers (talking to animals, *etc.*), divided as:

- *mathematikoi* ["learners"] who lived apart and knew hidden mysteries (*e.g.*, that $\sqrt{2}$ is irrational);
- *akousmatikoi* ["listeners"] who lived with their families and only aspired to greater secrets.

Hippasus of Metapontum, a renegade *mathematikos*, was tracked down and executed for the crime of revealing to the public that $\sqrt{2}$ is irrational.

[Pythagoras himself was killed when unwilling to step into a bean field despite being pursued by an angry mob.]

[1] born ≈570BCE, Samos, died ≈495BCE, Croton

Organizing this stakeholder information

We're going to make **character sheets** today. The questions on the character sheets are below, left, or can be entered into a copy you make of this "character sheet Google Doc."

Who? Name or describe someone affected or potentially affected by OER.

What are their goals? In relation to the rôle OER has or could have in their life/work.

What is the general category of their motivation? *E.g.*, capitalism, academic freedom, hunger...

Is there a hot-button issue on their radar right now? Or more than one

Is there something special they can contribute to discussions of OER (right now)?

What structures constrain their action? *E.g.*, BoG department textbook committee, faculty handbook...

To whom do they listen, whom respect?

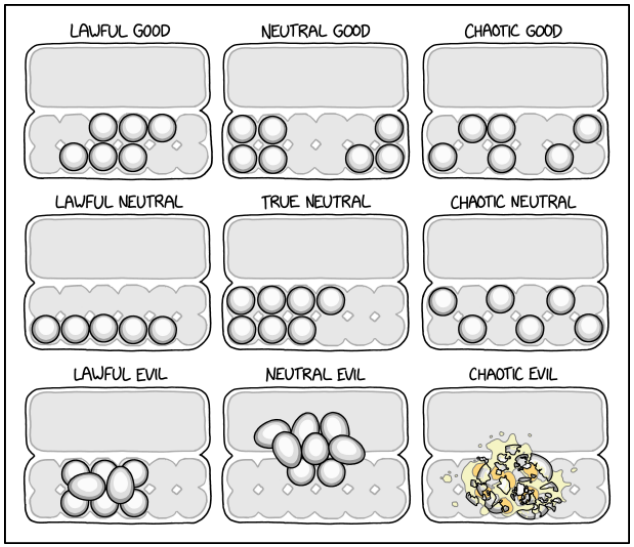
How do they measure success?

What do they know about OER? Or think they know

Are they positive or negative on OER, and why?

If you like, give them a D&D *alignment* ⟹

[2]



[2] xkcd 2408: Egg Strategies by Randall Munroe, released under CC BY-NC 2.5.

Character sheet: Pythagoras

Just speculation, obvs. Also, for "OER" we'll read "openness."

Who? Pythagoras of Samos

What are their goals? Be a rich cult leader; take money from rubes; avoid angry villagers; think about "the harmony of the spheres"

What is the general category of their motivation? Mysticism

Is there a hot-button issue on their radar right now? The irrationality of $\sqrt{2}$!

Is there something special they can contribute to discussions of openness (right now)? Not really

What structures constrain their action? Angry villagers and Greek kings

To whom do they listen, whom respect? No one?

How do they measure success? Not getting lynched; more and more devoted followers

What do they know about openness? Too early in history to realize its power.

Are they positive or negative on openness, and why? Very negative, because, remember, that whole "cult leader" thing

Alignment Lawful evil

Euclid[4]'s Radical Openness



His *Elements of Geometry* had more editions and influence than any other book [in the West; other than the Christian Bible].

The Elements was loved by Galileo, Newton, Hobbes, Spinoza, Descartes, Abraham Lincoln, Albert Einstein ... and many, many others[3]

For hundreds of years [in the west] it was a right of passage in the education of [yes, male and elite] young people to master *The Elements*.

The Elements was so influential because it was completely open, laying out all of its Theorems ***with proofs*** [including one that $\sqrt{2} \notin \mathbb{Q}$].

Proofs are like like the source code if a theorem were a program: Yes, Euclid was doing FLOSS [free/libre/open-source software] more than 2K years before the invention of the computer!

[3] *E.g.*, In *Moby Dick*, Melville says that the difficulty of whales mentally putting together the two images perceived by their widely separated eyes must be as if a human were "simultaneously to go through the demonstrations of two distinct problems in Euclid."

[4] mid-4^{th}C to mid-3^{th}C (BCE), Ptolemaic Alexandria

Character sheet: Euclid

Again, for "OER" we'll read "openness."

Who? Euclid of Alexandria

What are their goals? share mathematical knowledge widely

What is the general category of their motivation? academic freedom

Is there a hot-button issue on their radar right now? The Twin Prime Conjecture

Is there something special they can contribute to discussions of openness (right now)? innovative writing style – revolutionary!

What structures constrain their action? papyrus? ships stopping in the port?

To whom do they listen, whom respect? Library administration; obeying his sponsor, the pharaoh Ptolemy I Soter

How do they measure success? by any measure, intellectual immortality is pretty good

What do they know about openness? realized that it was powerful

Are they positive or negative on openness, and why? very positive – we learn so much from sharing

Alignment Lawful good

Open's Antiquity ... and Skipping to Early Modernism

Conclusion: while **Closed** has had very good PR, **Open** has a proven track record of scholarly and educational success and influence.

Additionally, **Open** as a scholarly practice did not start with the founding of `reddit`, or with Linus Torvalds or Richard Stallman or Larry Lessig. Instead it has a long a beautiful history.

To see the roots of the momentum swinging back against **Open** [in the West], let's skip past a few uneventful years (rise and fall of the Roman Empire, the Black Death, the Renaissance – wait: Hi, Raffaello! – the Protestant Reformation, *etc., etc.*), until the beginnings of classical Liberalism and Capitalism as the *ancien régime* started to crumble....

The idea [of people like Adam Smith] was to motivate people to do the "right things" in society by market forces: the whole dynamic of Capitalism with its producers always pressured to make better goods because consumers vote with their feet for the best products, by walking over to the purveyors of those better versions.

The Copyright Clause

Article I, Section 8, Clause 8. the *Copyright Clause*, of the US Constitution, gives Congress the power

> "*To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.*"

This *exclusive Right* includes: performance, public display, copying, distribution, and creation of derivative works.

See my Copyright Cheat Sheet For University Faculty for one academic's[5] explanation of many aspects of copyright law.

The *limited Times* have been changed – extended! – again and again by Congress. Currently in the US, copyrights last for the life of the author plus 70 years ... but there are many details to consider, including exceptions such as *fair use*.

[5] Not a lawyer!

Yes, Milton, Markets Can Fail 1

A bookshelf in my office at the math department at CSU Pueblo, containing mostly books[6] I used as an advanced undergrad and grad student.



[6] And some juggling equipment.

Yes, Milton, Markets Can Fail 2

Books sent to me, for free, without my asking, by textbook publishers [thrown under a side table]:



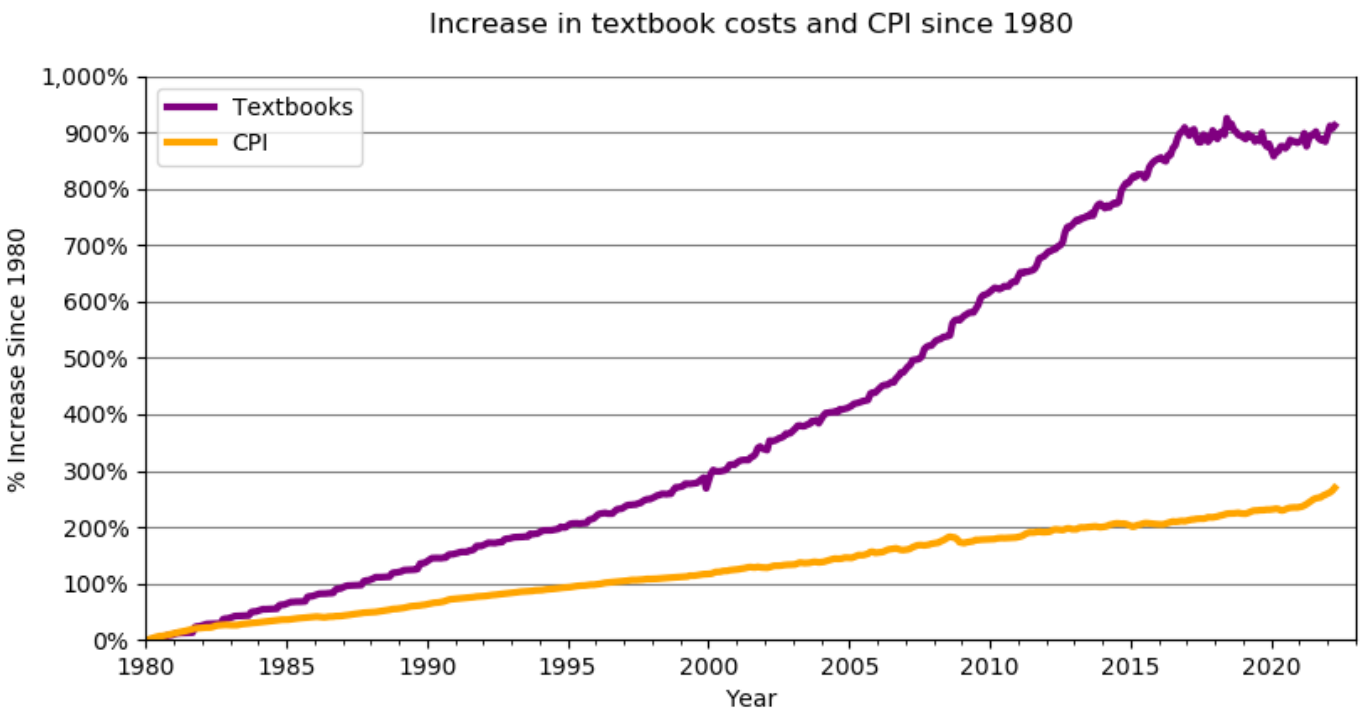
Yes, Milton, Markets Can Fail 3

Result of a short visit to `Amazon.com` (which is usually significantly cheaper than our campus bookstore) to price just a few of those books:



Yes, Milton, Markets Can Fail 4

Rather than the usual capitalist feedback between buyer and seller, for textbooks the buyer [a student] is different from the decider [the professor]. Indeed, the decider [professor] is given not only free units, but also is bribed by the seller with many other goodies [test banks, homework solution books, PowerPoint decks for classroom use, *etc.*]. And so...



Source: Inflation-adjusted Textbook Pain Multiplier for Decision-Makers

Student Debt for Some Colorado Institutions

The easiest single indicator of exploding prices for students is:

total student debt in the U.S. is more than $1.78 trillion.[7]

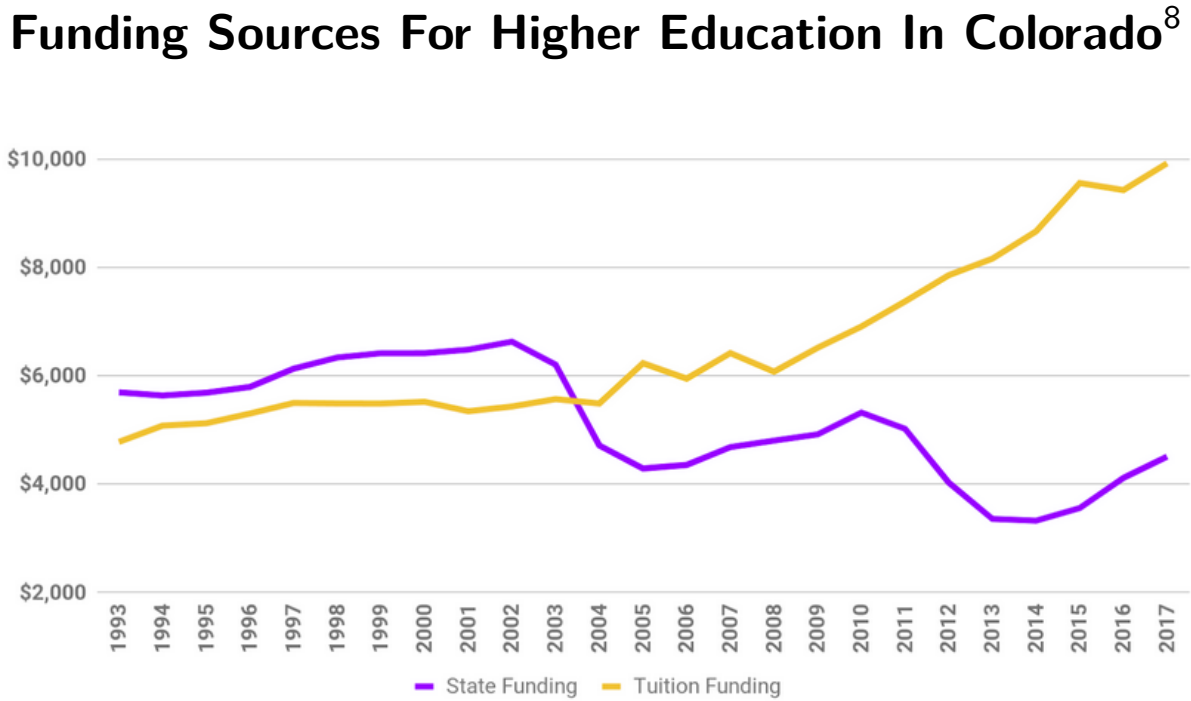
Some examples in Colorado:

Institution	Median Debt, 2015 Grads
CSU Pueblo	$29,914
Front Range Community College	$13,500
Colorado College	$19,756
University of Denver	$29,050
All private[non-profit] and public 4-years in CO	$25,064
Aggregate Colorado Community College System	$11,730

Sources: https://ticas.org/posd/state-state-data-2015# and https://www.communitycollegereview.com/

[7] Source: https://www.federalreserve.gov/releases/g19/current/default.htm

Side remark: It's not just a market failure



So, there is no real **public** higher education in Colorado.

Nor in a majority of the other states in the U.S.

[8] State Higher Education Executive Officers Association, https://www.sheeo.org

Food and Housing Insecurity Among Students in the US

The #RealCollege Survey found[9] in 2019 that for students in higher education in the United States

- 39% were food insecure in the 30 days before taking the survey,
- 46% were housing insecure in the last year, and
- 17% were homeless at some point in that year.

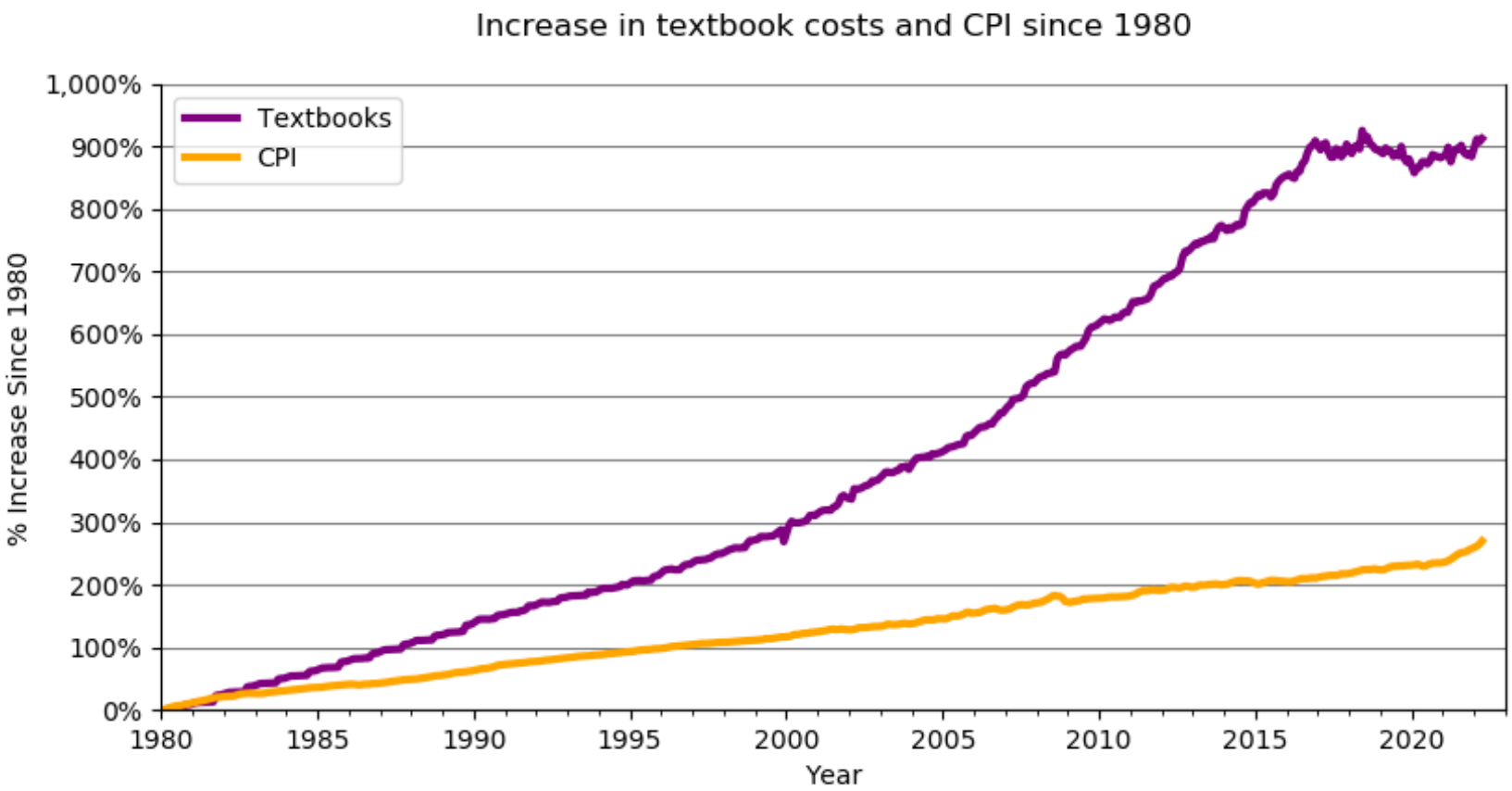
Now ask yourself: if you were a student in debt, [sometimes or often] hungry, and concerned about keeping a roof over your head ... where would your economic priorities be?

This is all very depressing... but maybe mass production has reduced costs, so shouldn't textbooks be nearly free?

[9] *#RealCollege 2020: Five Years of Evidence on campus Basic Needs Insecurity*, Baker-Smith, Coca, Goldrick-Rab, Looker, Richardson, Wilson, 2020, on the web here.

Textbook Costs 1

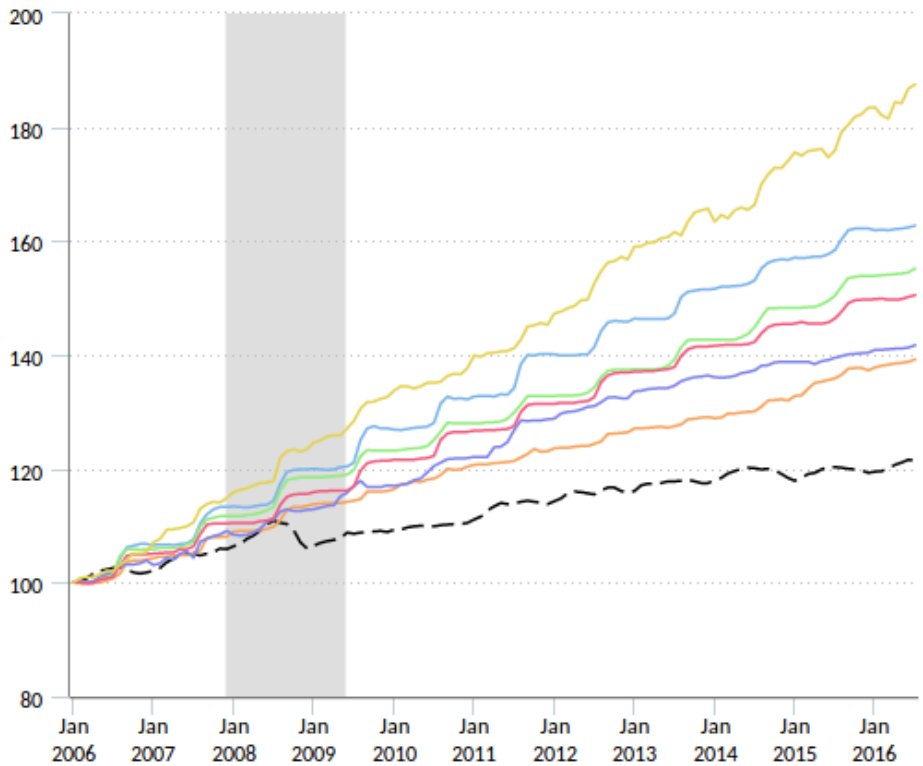
We saw this graph before:



Data source: *U.S. Bureau of Labor Statistics*; graph from Inflation-adjusted Textbook Pain Multiplier for Decision-Makers

Textbook Costs 2

Consumer price indices for tuition and school-related items, not seasonally adjusted, January 2006-July 2016



January 2006 = 100

Source: *U.S. Bureau of Labor Statistics*

https://www.bls.gov/opub/ted/2016/college-tuition-and-fees-increase-63-percent-since-january-2006.htm

Consequences for Students

Studies[10] have shown that, as a result of these economic realities, students

- make decisions about which courses to take based on the costs of the textbooks;
- take fewer courses because of expensive textbooks;
- do not buy even required textbooks, because of cost, and therefore learn less, do more poorly, and drop out more frequently; and
- take longer to complete degrees because of the obstacle of textbook cost.

A particularly exciting recent study[11] found that **DFW rates went down by one-third among minority and Pell-eligible students in gateway courses which switched from commercial textbooks to OER**.

[10] See references in *Report to the Joint Budget Committee and The Education Committees of the General Assembly – Open Educational Resources in Colorado*, Brown-Sica *et al.*, 2017, on the web here.

[11] *The Impact of Open Educational Resources on Various Student Success Metrics*, Colvard, Watson, and Park, **International Journal of Teaching and Learning in Higher Education** (2018), on the web here.

Character sheet: Students

Who? students

What are their goals? pay for food and rent, support family members; get an excellent education; graduate without too much debt; find their passion and/or prepare for a good job

What is the general category of their motivation? "the American Dream"

Is there a hot-button issue on their radar right now? so many: fascism; deportation; the genocide in Gaza; student debt; whether the planet will be inhabitable when they graduate...

Is there something special they can contribute to discussions of OER (right now)? personal experiences – putting a face on the economic tragedies we've been discussing;

What structures constrain their action? they have little power (at least without organizing); decisions are made for them;

To whom do they listen, whom respect? peers; student government; faculty; the media;

How do they measure success? yes/no on graduation; dollars of debt; entrance into a good workplace or further schooling after graduation

What do they know about OER? not much, but this may be changing

Are they positive or negative on OER, and why? immensely positive and supportive of those who make OER a reality

Alignment Chaotic good

Conclusion of These Economic Issues

In summary:

- Grim, soulless neoliberalism has turned higher education from a public to a private good, resulting in a sky-rocketing cost to students.
- Students are in debt, and many are hungry and not confident in their housing situation.
- Textbooks costs are rising **much faster** than essentially all other consumer goods, because of a broken feedback loop in this market.
- As a result, students are learning less, doing less well, dropping out more, and taking longer to finish degrees.
- Switching to OER has large, immediate gains for student success, particular among underrepresented groups.

Wait, what was that term "OER?"

The acronym "OER" stands for **Open Educational Resources**.
In context above, it seems mostly to mean "free textbooks," but for that same low price you get even more:

> *OER are teaching, learning, and research resources that reside in the public domain or have been released under an intellectual property license that permits their free use and re-purposing by others. Open educational resources include full courses, course materials, modules, textbooks, streaming videos, tests, software, and any other tools, materials, or techniques used to support access to knowledge.*
>
> William and Flora Hewlett Foundation

Only OER truly respect an instructor's academic freedom!

What is academic freedom, and [why] do we deserve it?

Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends upon the free search for truth and its free exposition.

Academic freedom is essential to these purposes and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning.

emphasis added
American Association of University Professors
1940 Statement of Principles on Academic Freedom and Tenure

That word "common" – how wide a net do we cast?





The UN has a very expansive view of what the *common good* is, including[12] the idea that *"...higher education shall be equally accessible to all..."*

The US recognizes[13] physical and mental disabilities to be *handicaps*; at CSUP we must say in our syllabi that *'...no student shall be denied the benefits of an education 'solely by reason of a handicap'..."*

Note that the ADA doesn't say "17% of students may be denied the benefits of an education" or even 10% or 1% – it is "**no student**"!

Question: Do you think a student is more responsible for their financial situation than for "handicaps?" What percentage of students are **you** willing to deny the benefits of education based on financial difficulties?

[12] in Article 26 of the *Universal Declaration of Human Rights*

[13] in the Americans with Disabilities Act of 1990

Freedom includes the right to be an ass, or a saint

If a professor wants to assign an expensive textbook in a class (and has a good reason to do so) or wants to publish a textbook commercially in the hope of writing the next bestseller on the history of refrigeration, then by academic freedom and scholarly tradition, we should not stand in the way.

But usually, many faculty will be happy to contribute their textbooks, problem banks, software, and other writings to a global intellectual commons, a *Creative Commons*.

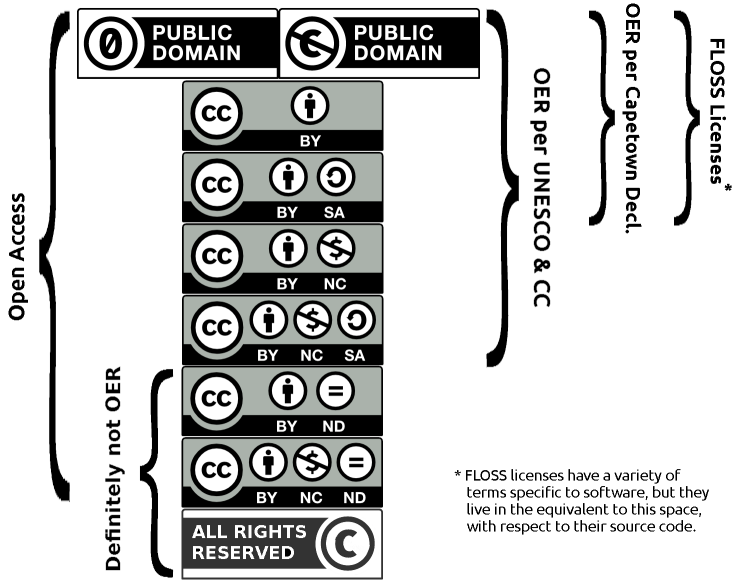
If there were a way to dedicate a creative work to this commons, rather than having it automatically fall into the domain of *all rights reserved* copyrights[14], many scholars [and, more widely, artists] would likely do so.

The way to do this is with Creative Commons Licenses.

[14] Which I like to think of as *the Land of Mordor, where the Shadows lie*.

Creative Commons licenses

The way to bend copyright law to the purposes of the scholarly [and artistic] life is to release works with Creative Commons Licenses:[15]



Educational resources released with a CC license – well, **not** those two licenses with "ND" – are open to repurposing by others, allowing faculty to build bespoke resources that fit perfectly their class, and their ideas for how to teach it. Which ideas we must respect because **academic freedom**.

Take the Creative Commons Certificate Course – I did, it's incredibly useful and fun! So much fun, in fact, that now I teach it!

[15] see `https://creativecommons.org` or my Creative Commons Cheat Sheet for University Faculty

Wait, what is Creative Commons?

Here's how CC, the organization, thinks of itself:

> *"Creative Commons is a set of legal tools, a nonprofit organization, as well as a global network and a movement — all inspired by people's willingness to share their creativity and knowledge, and enabled by a set of open copyright licenses.*
>
> *Creative Commons began in response to an outdated global copyright legal system. CC licenses are built on copyright and are designed to give more options to creators who want to share. Over time, the role and value of Creative Commons has expanded."*[16]

[16] The large block quotes in italics used in these slides are taken from the 2020 Course Content of the Creative Commons Certificate, which is by the Creative Commons and released under a CC BY 4.0 International license.

How CC thinks of its history

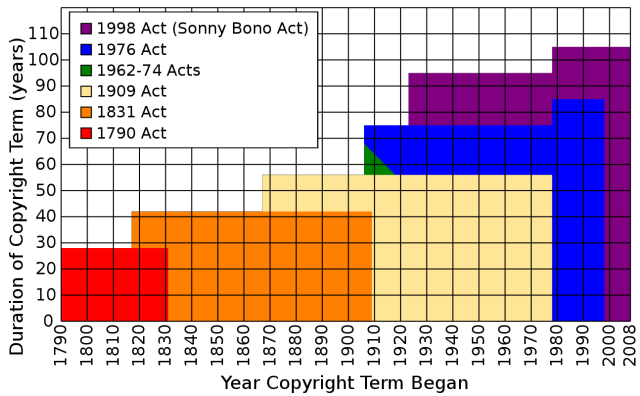
The official position on this history is, as we saw, that "*Creative Commons began in response to an outdated global copyright legal system.*"

This is not a surprising position since two of CC's founders were

- Larry Lessig, then of Stanford Law, now at Harvard Law, and
- Eric Eldred, a literacy advocate a web publisher of works in the public domain.

Lessig represented Eldred in *Eldred v. Ashcroft*, challenging the "Sonny Bono Copyright Term Extension Act" [CTEA] of 1998, all the way to the US Supreme Court. [Where they lost, in 2003.]

The CTEA extended the term of copyrights, *even for already existing works!*, by 20 years, making copyright last for **the life of the creator plus 70 years**.



[17]

[17] "**Trend of Maximum U.S. General Copyright Term**," by Tom W. Bell was released under a Creative Commons Attribution-Share Alike 3.0 Unported License..

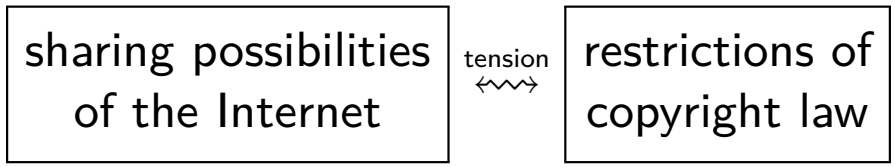
So They Founded Creative Commons...

In frustration, and perhaps sensing which way the wind was blowing, Lessig, Eldred, and a computer science professor Hal Abelson of MIT, founded the nonprofit Creative Commons in 2001.

In addition to fighting a loosing battle against the CTEA, the CC founders felt that copyrights of even much shorter duration we in conflict with modern technology:

> *"The internet has given us the opportunity to access, share, and collaborate on human creations (all governed by copyright) at an unprecedented scale. The sharing capabilities made possible by digital technology are in tension with the sharing restrictions embedded within copyright laws around the world."*

I.e.,



...As an Alternative to All-Rights-Reserved Copyright

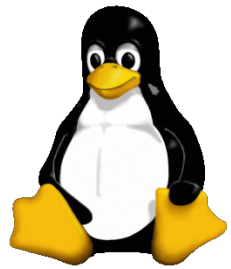
The CC approach to relieving this tension was to create a suite of licenses **whose powers stem from the powers given to creators by copyrights** which allow creators to share their works in a more precise way than merely the "all-rights-reserved" of traditional, basic copyrights.

Much more about the CC "suite of licenses" and the "powers given to creators by copyrights, below.

But first, an alternative to the above [CC-sanctioned] history:

Creative Commons was not the first commons-based, open movement.

It wasn't the first one in modern times: that honor probably goes to the *free/libre/open-source software* [FLOSS] movement.



[18]

We saw before that there is a much older tension in the Western [I don't know others well enough to say] tradition which bears on the history of CC, dating back to Euclid (open) and Pythagoras (closed).

[18] "**Linux 2.0 Penguins**," by Larry Ewing <lewing@isc.tamu.edu> and The GIMP.

When FLOSS became FLOSS

Euclid's radical openness is the foundation of modern mathematics, science, and the whole Academy. *E.g.*, a modern scientific paper has a standard format, including sections for **Methods** and **Results**... that's pretty open.

This is what Richard Stallman describes when he talks about founding the GNU Project and the Free Software Movement in the 1980s: while at MIT, he wanted to improve a printer driver and he expected the manufacturer would share it's source code with him, the way scientists share methods with each other. His frustration when they wouldn't do so lead him to start down the GNU path.



This image GNU head, by Aurelio Heckert is released under a Creative Commons Attribution-ShareAlike 2.0 License.

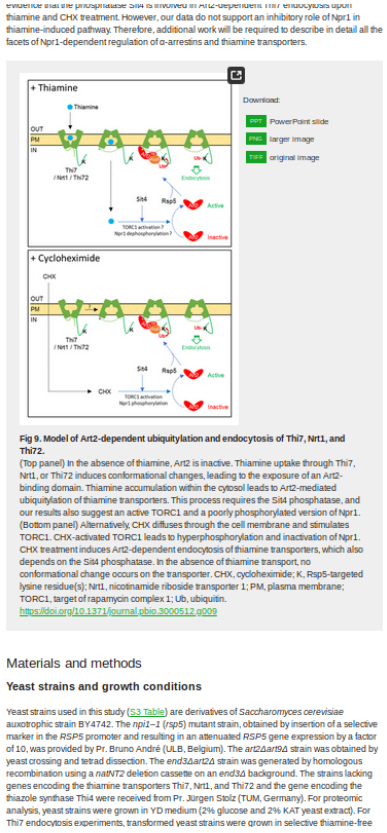


Fig 9. Model of Art2-dependent ubiquitylation and endocytosis of Thi7, Nrt1, and Thi72.
(Top panel) In the absence of thiamine, Art2 is inactive. Thiamine uptake through Thi7, Nrt1, or Thi72 induces conformational changes, leading to the exposure of an Art2-binding domain. Thiamine accumulation within the cytosol leads to Art2-mediated ubiquitylation of thiamine transporters. This process requires the Sit4 phosphatase, and our results also suggest an active TORC1 and a poorly phosphorylated version of Npr1. (Bottom panel) Alternatively, CHX diffuses through the cell membrane and stimulates TORC1. CHX-activated TORC1 leads to hyperphosphorylation and inactivation of Npr1. CHX treatment induces Art2-dependent endocytosis of thiamine transporters, which also depends on the Sit4 phosphatase. In the absence of thiamine transport, no conformational change occurs on the transporter. CHX, cycloheximide; K, Rsp5-targeted lysine residue(s); Nrt1, nicotinamide riboside transporter 1; PM, plasma membrane; TORC1, target of rapamycin complex 1; Ub, ubiquitin.
https://doi.org/10.1371/journal.pbio.3000512.g009

Materials and methods

Yeast strains and growth conditions

Yeast strains used in this study (S3 Table) are derivatives of *Saccharomyces cerevisiae* auxotrophic strain BY4742. The *npi1–1* (*rsp5*) mutant strain, obtained by insertion of a selective marker in the *RSP5* promoter and resulting in an attenuated *RSP5* gene expression by a factor of 10, was provided by Pr. Bruno André (ULB, Belgium). The *art2Δart9Δ* strain was obtained by yeast crossing and tetrad dissection. The *end3Δart2Δ* strain was generated by homologous recombination using a *natNT2* deletion cassette on an *end3Δ* background. The strains lacking genes encoding the thiamine transporters Thi7, Nrt1, and Thi72 and the gene encoding the thiazole synthase Thi4 were received from Pr. Jürgen Stolz (TUM, Germany). For proteomic analysis, yeast strains were grown in YD medium (2% glucose and 2% KAT yeast extract). For Thi7 endocytosis experiments, transformed yeast strains were grown in selective thiamine-free

This paper Yeast α-arrestin Art2 is the key regulator of ubiquitylation-dependent endocytosis of plasma membrane vitamin B1 transporters by Savocco *et al.* is released under a Creative Commons Attribution License.

A structural and #metoo *caveat*

Yes, access to knowledge has been (and continues to be) restricted by wealth and privilege and geography and power and *etc.*

But for hundreds of years **the fundamental logic of the scholarly life has been to share**.

A critical approach to the structures of education is required if we are to serve what I have been asserting is a large part of the fundamental ethic of the scholarly life. Read Paolo Freire, bell hooks, Pierre Bourdieu, and many others – please get back to me when you've figured out it all out.

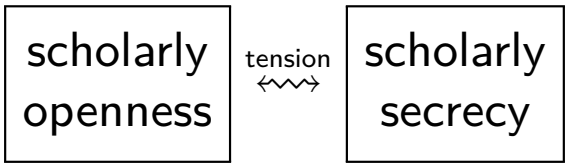


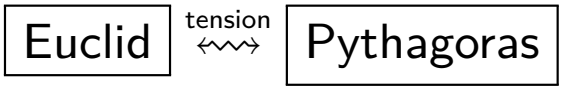
And of course there is `#metoo`. Richard Stallman's treatment of women throughout his career has been a vile contribution to the toxic culture towards women in IT.

"Maha Bali" from Uncommon Women 2018 coloring book by Kelsey Merkleya is released under a Creative Commons Attribution License.

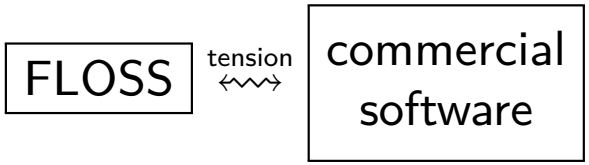
Alternate History of CC: Summary

So alternate tensions motivating CC might be, in ancient times:





and in modern times:



In particular, the **GNU Public License** is a direct antecedent of [some of the] Creative Commons licenses.

Whichever history you like, let's talk now about the present.

The wisdom of the little prince

> *Si tu veux construire un bateau, ne rassemble pas tes hommes et femmes pour leur donner des ordres, pour expliquer chaque détail, pour leur dire où trouver chaque chose... Si tu veux construire un bateau, fais naître dans le coeur de tes hommes et femmes le désir de la mer.* "Antoine de Saint-Exupéry"[19]

or

> *If you want to build a ship, don't bring together your men and women to give them orders, to explain each detail, to tell them where to find each thing... If you want to build a ship, create in the hearts of your men and women a longing for the sea.*

But... there are bad actors, which is an unpleasant fact that the open movement often has trouble saying out loud.
So, mixed with *le désir de la mer*, I think we have to acknowledge that there are those who are motivated only, or at least mostly, by greed for the power to give men and women orders, to make money weaving sails and forging nails. Or even there may be folks who have neither desire for the sea nor greed for power, but instead have a deep desire to master intricacies of weaving and forging, and who can nevertheless be brought in to help you build your ship.

[19] Actually, this is a false attribution! It is usually said to come from his book Citadelle (which was published in 1948, after his death). The closest quote in that book is "Créer le navire ce n'est point tisser les toiles, forger les clous, lire les astres, mais bien donner le gout de la mer qui est un, et a la lumiére duquel il n'est plus rien qui soit contradictoire mais communauté dans l'amour," which is "To create the ship is not to weave the sails, forge the nails, read the stars, but to give the taste of the sea which is one, and in the light of which there is nothing more contradictory but community in love."

Character sheet: Jonathan Poritz

Who? me, when I started in open ed

What are their goals? do more math/CS research; show students the joy and beauty of math/CS; get tenure (✓)

What is the general category of their motivation? "make the world a better place," writ large

Is there a hot-button issue on their radar right now? have more control of my classroom, to do more innovative things (ungrading, *etc.*), less "drill and kill"

Is there something special they can contribute to discussions of OER (right now)? experience with FLOSS, willingness to do good quietly

What structures constrain their action? that tenure process; colleagues who think they can invade my pedagogical academic freedom

To whom do they listen, whom respect? good educators all over; leaders in the open movement; Euclid

How do they measure success? students who *like* math, or at least tolerate it.

What do they know about OER? a lot, coming from FLOSS

Are they positive or negative on OER, and why? immensely positive

Alignment Chaotic neutral

Character sheet: Upper administrator

Who? Provost, President, or BoG-member

What are their goals? politics? power? the health of their institution? institutional financial health?

What is the general category of their motivation? bureaucracy?

Is there a hot-button issue on their radar right now? varies: often finances; maybe, *e.g.*,, "different success rates for marginalized student groups"

Is there something special they can contribute to discussions of OER (right now)? make it an institutional priority; get the ear of other upper (or lower) administrators who have money

What structures constrain their action? formal power structure; BoG policies (not!); accreditation; back-room deals over bookstores (?)

To whom do they listen, whom respect? the JBC, Governor's office, students, wealthy donors

How do they measure success? student retention, persistence, graduation; financial health; more academic prestige (sometimes)

What do they know about OER? varies! often influenced by something heard recently, right or wrong!

Are they positive or negative on OER, and why? varies

Alignment Lawful neutral

Now to you...

Possible character sheets for stakeholders:

- student government
- faculty senate
- department heads
- AAUP
- your particular provost
- particular deans
- your library administration
- your librarians
- your campus IT service
- your campus bookstore
- particular colleagues of yours
- ...

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