

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
CASE NO: _____

VIRGINIA PIRATE CORPORATION,)
)
 Plaintiff,)
)
 v.)
)
 TRIDENT TECHNICAL COLLEGE;)
 TRIDENT TECHNICAL COLLEGE AREA)
 COMMISSION.)
)
 Defendants.)
)
 _____)

FILED
2019 APR 16 PM 2:03
JULIE ARMSTRONG
CLERK OF COURT
BY _____
COMPLAINT
(Jury Trial Demanded)

The Plaintiff Virginia Pirate Corporation by and through its undersigned counsel, would respectfully allege and show:

PARTIES AND JURISDICTION

1. Virginia Pirate Corporation (“VPC”) is an Arkansas corporation. VPC is authorized to do business in the State of South Carolina. At all times relevant to this action, VPC operated in interstate commerce by selling college textbooks and course-related materials.
2. Trident Technical College is a state technical college created and existing under S.C. Code Ann. § 59-53-10, *et seq.*
3. Trident Technical College Area Commission is the governing body for Trident Technical College created and existing under S.C. Code Ann. § 59-53-410 *et seq.*¹
4. This Court has jurisdiction over this matter pursuant to S.C. Code Ann. §15-78-100(b) because TTC’s tortious acts occurred in Charleston County.

¹ Defendants Trident Technical College and Trident Technical College Area Commission are collectively referred to herein as “TTC.”

FACTUAL ALLEGATIONS

5. VPC sells and rents traditional printed textbooks and other course materials (“Printed Materials”), as well as digital textbooks and course related materials (“eText Materials”), to college and university students in South Carolina. In many cases, including at TTC, VPC’s Printed Materials and eText Materials are available at local bookstores owned and operated by VPC. VPC’s success and profitability depend on its ability to compete fairly for student purchases of Printed Materials and eText Materials, which also helps ensure the students receive the lowest, most competitive prices in the marketplace.

6. eText Materials are digital versions of textbooks and other course materials used as an alternative to traditional, hard copy materials. Typically, students obtain eText Materials by purchasing access codes that are used to access course materials online.

7. In August 2018, TTC announced its scam “Inclusive Access Program” pursuant to which TTC contracted with publishers to offer students eText Materials at set prices. Under the Inclusive Access Program, any TTC student enrolled in a participating class is required, through a so-called “course fee” automatically added to the student’s tuition bill, to purchase required eText Materials from only TTC.

8. The Department of Education requires institutions providing a digital access program to give students an option to opt-out of the program to allow students to purchase books and supplies from other retailers. 34 C.F.R. § 668.164(c)(2)(i)(C) and § 668.164(m)(3). The opt-out provisions are necessary to “enable students to seek potentially lower cost alternatives” such as “used books, rentals or e-books.” Program Integrity and Improvement, 80 FR 67126-01. Even with an opt-out option, the Department of Education is still “concerned that students who would otherwise seek lower cost alternatives will settle, out of sheer convenience, for the price

of the books and supplies negotiated by the institution.” *Id.* Thus, as the Department of Education recognizes, marketplace competition for textbooks and course supplies is necessary to provide students with lower cost alternatives.

9. The Department of Education also requires institutions providing a digital access program to “[have] an arrangement with a book publisher or other entity that enables it to make those books or supplies available to students below competitive market rates.” 34 C.F.R. § 668.164(c)(2)(i)(B). TTC understood this requirement, and it falsely advertised to its students that TTC’s prices were the lowest. See **Exhibit A**.

Inclusive Access

Your instructor wants the best opportunities available to you when purchasing course materials, so we’re using the Inclusive Access billing model. This means you will have immediate access to your MyLab, Revel or ebook course materials at the lowest possible price!

10. When a student is enrolled in a course participating in the Inclusive Access Program, TTC falsely represents to its students that that cost to purchase eText Materials from TTC is \$0.00. TTC’s representations mislead students to believe that eText Materials made available through TTC’s Inclusive Access Program are free. TTC’s misrepresentations intentionally dissuade students from purchasing eText Materials from other vendors, including VPC. Below and attached hereto as **Exhibit B** is a screenshot from the TTC bookstore website falsely representing that required eText Materials for a history course will cost \$0.00 through TTC’s selected publisher Pearson.



11. TTC represents on its website that TTC students are able to opt-out of purchasing eText Materials from TTC and receive a “credit” to their student accounts for the “full cost” of the class materials. But, a student exercising his/her purported option to “opt-out” of the Inclusive Access Program is locked out of necessary course materials and assignments. This eliminates any actual “option” for students, coercing them to purchase eText Materials from TTC only.

12. In October 2017, TTC and its selected publisher, Pearson, discussed whether students would have an option to opt-out of the program and how the program should be funded. TTC considered whether it should: “[c]harge [students] as a course fee with no choice” “[a]llow student[s] to make [a] choice and charge them for book charges if they don’t opt-out” or “[a]llow [students] to purchase on their own via ecommerce link.” TTC allegedly chose the second option.

13. During that meeting, TTC emphasized that any TTC faculty using the program “MyLabsPlus” for course assignments will “want all students to have course material and not be able to opt-out.” Below is an excerpt from the meeting notes attached hereto as **Exhibit C**.

Other discussion items:

- Our students may likely opt-out if they have a choice. Communication about affordability is critical. Pearson could provide marketing material from other colleges.
- My Labs Plus – faculty would want all students to have course material and not be able to opt-out

14. In accordance with TTC’s instruction, Pearson confirmed that any student taking a course that uses “MyLabsPlus” cannot opt-out of the program. There is no option for the student to purchase an access code from another retailer because “any student who opts-out will not have access to Plus.” And, as one TTC professor put it bluntly, the result is an “**automatic failure since they cannot do their work.**” Copies of the relevant emails are attached hereto as **Exhibit D.**

From: Schmid,Mark
Sent: Thursday, June 14, 2018 1:56 PM
To: Harris,David
Subject: RE: MyLabsPlus Batch Enrollment - Contact Request

David,

So, if a student “opts out” they will still be in the course but have no access to the software (because I will be manually deleting them from their MLP course – i.e. automatic failure since they cannot do their work), according to Devon’s previous emails.

Can Bio students opt out of paying the lab fee?

If there really is no option in order to take/complete the course – then just include the fee for access in the tuition and remove the opt out feature. That would be seamless.

See you at 2:30 today.

Mark

15. As confirmed in an e-mail from TTC’s publisher to TTC’s David Harris, Assistant Vice President–Instruction, if a student opts-out of the program to purchase his/her textbooks from another textbook retailer, the student “will not [have] access to the custom courses that are being used at Trident,” and several TTC courses use books that “are no longer

available nationally.” And, to the extent a student *can* opt-out of a course and purchase an access code from another retailer, the student could be deprived of necessary course material for “a few days to a week” while the publisher “manually re-enroll[s]” the student. A copy of the below email is attached hereto as **Exhibit E**.

From: Devon Holder <devon.holder@pearson.com>
Sent: Thursday, July 26, 2018 8:27 AM
To: Harris,David
Cc: Brian Buckley
Subject: National ISBNs

Hi David,

Here is a list of the equivalent national title ISBNs that are being used in the pilot program.

It's important to note that if a student purchases one of these national products, it will not give them access to the custom courses that are being used at Trident. There is no location in the custom courses for students to input a non-custom access code purchased outside of the Inclusive Access program. We would have to manually confirm the student's purchase and then manually re-enroll that student into the content they had opted out of. That process could take a few days to a week to complete.

Also, there are 3 titles in use in the custom courses at Trident that are no longer available nationally. I have noted those below in the National Access Card ISBN column.

Please let me know if you have any questions about this or if there is anything else I can help you with. I am planning to be on campus with Meredith on August 1st. I'd like to stop by to review the new D2L demo course and the student-facing documentation if you have some time available that day. Let me know what times would work best for you. Thanks!

16. During the Fall 2018 semester, several students who opted out of TTC's program so they could purchase textbooks and course-related materials from VPC returned the materials after talking with their professors. TTC professors falsely told their students that they were required to purchase their course materials from TTC, students are unable to participate using national versions purchased from VPC, professors are unable and/or unwilling to arrange for students to use national versions purchased from VPC, and materials purchased from VPC are more expensive than TTC's pricing. Other students informed VPC that they attempted to opt-out of the program, but were unable to do so.

17. As a result of TTC's program, VPC has lost hundreds of actual and prospective customers during both the Fall 2018 and Spring 2019 semesters.

18. By letter dated October 29, 2018, VPC informed TTC of the circumstances described herein, and explained that the circumstances constitute unfair competition in violation of applicable law.

19. TTC, through counsel, responded to VPC's letter by falsely denying any unlawful conduct, claiming it is their "intent that students have the ability to opt out of the program without adverse consequences."

20. TTC's actions described herein above were grossly negligent, tortious, malicious and corrupt, in that TTC intended to prejudice and injure VPC.

FOR A FIRST CAUSE OF ACTION
(Violation of the South Carolina Tort Claims Act)

21. VPC incorporates the previous allegations of the Complaint as if repeated verbatim herein.

22. By the numerous acts recited herein, TTC has restrained competition in the marketplace of college textbooks and course-related materials in South Carolina. These acts constitute gross negligence in that TTC intended to prejudice and injure VPC.

23. TTC's gross negligence and actions recited herein constitute a violation of the South Carolina Tort Claims Act, S.C. Code Ann. § 15-78-50, *et seq.*, thus, TTC is not entitled to the protection of sovereign immunity.

24. As a direct and proximate result of TTC's misconduct, VPC has suffered damages in an amount to be determined at trial.

FOR A SECOND CAUSE OF ACTION
(Violation of the South Carolina Unfair Trade Practices Act)

25. VPC incorporates the previous allegations of the Complaint as if repeated verbatim herein.

26. By the numerous acts recited herein, the TTC has restrained competition in the marketplace of college textbooks and course-related materials in South Carolina, constituting an unfair method of competition and/or unfair deceptive acts or practices within the meaning of South Carolina's Unfair Trade Practices Act, S.C. Code Ann. § 39-5-10, *et seq.* (the "Act").

27. TTC's conduct occurred "in commerce" within the meaning of the Act.

28. TTC's misconduct affects the public interest and is "capable of repetition," within the meaning of the Act and associated case law.

29. As a direct and proximate result of TTC's misconduct, VPC has suffered damages in an amount to be determined at trial. Thus, VPC is entitled to its actual damages, trebled, under the Act, together with an award of its reasonable attorneys' fees.

30. In addition, VPC seeks injunctive relief requiring TTC to cease and desist from restraining competition by VPC in the marketplace of college textbooks and course-related materials.

FOR A THIRD CAUSE OF ACTION
(Intentional Interference with a Contractual Relationship)

31. VPC incorporates the previous allegations of the Complaint as if repeated verbatim herein.

32. VPC had contractual agreements with many TTC students who purchased Printed Materials and eText Materials for their TTC courses.

33. TTC knew that VPC had such contracts with these students.

34. TTC intentionally and without justification procured the breach of these contracts through improper means.

35. As a direct and proximate cause on the intentional acts of TTC in interfering with VPC's contractual relationships, VPC has suffered substantial damages in an amount to be determined at trial.

FOR A FOURTH CAUSE OF ACTION
(Intentional Interference with Prospective Advantage)

36. VPC incorporates the previous allegations of the Complaint as if repeated verbatim herein.

37. TTC knew that VPC had agreements with students to provide Printed Materials and eText Materials for TTC courses, and for students to purchase such materials from VPC.

38. TTC knew that VPC had contacted many of its students to sell additional Printed Materials and eText Materials.

39. TTC intentionally interfered with VPC's potential advantage of receiving revenue for selling Printed Materials and eText Materials.

40. TTC intended to interfere with VPC's prospective advantage by disseminating false information about VPC's pricing and setting up a scam program that intentionally prohibited students from being able to opt-out of TTC's program and purchase textbooks from other retailers.

41. TTC's purposes and methods of interfering with and/or threatening VPC's prospective business advantage were improper, unlawful, unjustified and subject them to liability.

42. As a direct and proximate cause on the intentional acts of TTC in interfering with VPC's contractual relationships, VPC has suffered substantial damages in an amount to be determined at trial.

WHEREFORE, having fully set forth its Complaint against TTC, VPC prays for the following relief:

(a) Actual damages, trebled, against TTC, in an amount to be determined by the jury, on VPC's cause of action for violation of the South Carolina Unfair Trade Practices Act;

(b) Actual damages against TTC, in an amount to be determined by the jury, on VPC's causes of action for violation of the South Carolina Tort Claims Act, Intentional Interference with a Contractual Relationship, and Intentional Interference with Prospective Advantage;

(c) Injunctive relief requiring TTC to cease and desist from restraining competition by VPC in the marketplace of college textbooks and course-related materials;

(e) VPC's reasonable attorneys' fees and the costs and expenses of this action; and

(f) Such other and further relief as this Court deems just and proper.

This the 15 day of April, 2019.



Amanda Pickens Nitto
S.C. Bar No. 101834
anitto@robinsonbradshaw.com

ROBINSON, BRADSHAW & HINSON, P.A.
202 East Main Street, Suite 201
Rock Hill, South Carolina 29730
Telephone: (803) 325-2910
Facsimile: (803) 325-2929

Attorney for Plaintiff

EXHIBIT A

From: Harris,David
Sent: Monday, August 20, 2018 1:20 PM
To: #Academic Deans; #Academic Dept Heads
Subject: Inclusive Access.docx
Attachments: Inclusive Access.docx

Good Afternoon-

If you're using Inclusive Access materials this fall, can you please include this in some form of communication for your students. Please note there is a generic block of text that you may or may not want to include. If you're using Revel, you'll want to change the line "Optional loose-leaf print upgrades for purchase at the bookstore" to "Optional loose-leaf print upgrades are available online for purchase."

Thanks,

David

Inclusive Access

Student Getting Started Guide

Your instructor is using digital courseware to deliver the best possible content directly to you. Here are some best practices, tips, tricks, and information to help you get started.

Getting Started

Here are some ways to make sure you're on top of your game and using every tool at your disposal. First things first, we need to get your browser optimized for digital content! Let's start with the steps below:

- Download [Google Chrome](#) or [Mozilla Firefox](#) (Microsoft Edge, Microsoft Internet Explorer, and Safari are NOT fully supported browsers)
- Video Help from Students YouTube
 - [Browser Set Up](#)
 - [Clear Cache & Cookies](#)
 - [Enabling Java & Javascript](#)
- If you need to connect with [Pearson 24/7 Technical Support](#), the preferred method is via a Live Chat. No waiting on the phone and a clear transcript emailed to you afterwards. Then you can send the Tech Support Case # to your professor and Pearson team, to help facilitate a resolution on your behalf!

Inclusive Access

Your instructor wants the best opportunities available to you when purchasing course materials, so we're using the Inclusive Access billing model. This means you will have immediate access to your MyLab, Revel or ebook course materials at the lowest possible price!

- Your course materials were already included in your bill at the time you registered for the course. If you need to change your schedule around, you will be refunded the amount that was paid for the course materials.
- COURSE # & NAME:
 - Required MyLab Access. Final price to student: \$XXX
 - Optional loose-leaf print upgrades may be available for purchase at the bookstore.

Access your Course Materials through D2L Brightspace

Your MyLab/Revel course is fully integrated with D2L Brightspace! Once you've logged into your school's Brightspace portal you'll be able to access your course materials. No Course IDs or access codes needed!

- If you are having any trouble accessing your course materials, please contact [Pearson 24/7 Technical Support](#).

Opt-Out Option

Your school has negotiated special discounted pricing on your course materials. However, we have partnered with RedShelf to give you the option to opt-out of purchasing those required course materials.

If you decide that you do not want access to the required course materials, you have until the add/drop deadline for your course to opt-out of the purchase.

Should you choose this option, please be aware that **there may be no alternative way for you to access your required course materials** and you will not be able to access any ebook readings or MyLab/Revel assignments that your instructor has assigned for this course. Please speak with your instructor if you think you'd like to opt-out.

eBook Support

Contact RedShelf Support if you have etext specific concerns.

- Customer Support Line: 312.878.8586
- Toll Free Line: 888.622.9838
- Customer Support Email: help@redshelf.com

EXHIBIT B

Program. Access to the digital course materials required for your class will be provided on the first day of your class.

Displaying Textbooks for
HIS - 104, section W03 (Rummell)



HIS 104: Digital Direct Access Code
Author(s): Pearson
Copyright: 19
Edition: 1
Binding: Digital Content
Required
Provided By
RedShelf

List Price	\$0.00	Qty
+ Add to Cart		
- Remove		
New Price: Unavailable		

The course materials fees have already been included in your tuition. You do not need to add this item to your shopping cart. This course is enrolled in the Trident Technical College Inclusive Access Program. Access to the digital course materials required for your class will be provided on the first day of your class.

Displaying Textbooks for
HIS - 104, section W04 (Redfoot-Lathery)



HIS 104: Digital Direct Access Code
Author(s): Pearson
Copyright: 19
Edition: 1
Binding: Digital Content
Required
Provided By
RedShelf

List Price	\$0.00	Qty
+ Add to Cart		
- Remove		
New Price: Unavailable		

The course materials fees have already been included in your tuition. You do not need to add this item to your shopping cart. This course is enrolled in the Trident Technical College Inclusive Access Program. Access to the digital course materials required for your class will be provided on the first day of your class.

Displaying Textbooks for
HIS - 104, section W05 (Nadobny)



HIS 104: Digital Direct Access Code
Author(s): Pearson
Copyright: 19
Edition: 1
Binding: Digital Content
Required
Provided By
RedShelf

List Price	\$0.00	Qty
+ Add to Cart		
- Remove		
New Price: Unavailable		

The course materials fees have already been included in your tuition. You do not need to add this item to your shopping cart. This course is enrolled in the Trident Technical College Inclusive Access Program. Access to the digital course materials required for your class will be provided on the first day of your class.

Purchase Total: \$0.00

Program. Access to the digital course materials required for your class will be provided on the first day of your class.

Displaying Textbooks for
HIS - 104, section 004 (Rummell)



HIS 104: Digital Direct Access Code
Author(s): Pearson
Copyright: 19
Edition: 1
Binding: Digital Content
Required
Provided By
RedShelf

List Price	\$0.00	Qty
+ Add to Cart		
- Remove		
New Price: Unavailable		

The course materials fees have already been included in your tuition. You do not need to add this item to your shopping cart. This course is enrolled in the Trident Technical College Inclusive Access Program. Access to the digital course materials required for your class will be provided on the first day of your class.

Displaying Textbooks for
HIS - 104, section 005 (Redfoot-Lathery)



HIS 104: Digital Direct Access Code
Author(s): Pearson
Copyright: 19
Edition: 1
Binding: Digital Content
Required
Provided By
RedShelf

List Price	\$0.00	Qty
+ Add to Cart		
- Remove		
New Price: Unavailable		

The course materials fees have already been included in your tuition. You do not need to add this item to your shopping cart. This course is enrolled in the Trident Technical College Inclusive Access Program. Access to the digital course materials required for your class will be provided on the first day of your class.

Displaying Textbooks for
HIS - 104, section 006 (Redfoot-Lathery)



HIS 104: Digital Direct Access Code
Author(s): Pearson
Copyright: 19
Edition: 1
Binding: Digital Content
Required
Provided By
RedShelf

List Price	\$0.00	Qty
+ Add to Cart		
- Remove		
New Price: Unavailable		

The course materials fees have already been included in your tuition. You do not need to add this item to your shopping cart. This course is enrolled in the Trident Technical College Inclusive Access Program. Access to the digital course materials required for your class will be provided on the first day of your class.

Purchase Total: \$0.00

Type here to search



EXHIBIT C

10/10/2017

Direct Digital Access Proposal, Pearson

Direct Digital Access provides students with access to an electronic textbook via a link to Pearson resources.

The timeline for a typical implementation is to identify the courses first. Then approximately 6-8 weeks production time. Per Dr. Almquist, she would like to pilot in summer 2018 with roll out in Fall 2018. Eventually migrate to all types of courses.

The critical decision that TTC must make is how and when students purchase or are charged.

- A) Charge them as a course fee with no choice
- B) Allow student to make choice and charge them for book charges if they don't opt-out
- C) Allow them to purchase on their own via an ecommerce link

A) Course fees for the associated ebook post to the student's account at the point of registration. The AR code could be tied to a Bookstore revenue account created to track this type of textbook. The Area Commission must approve course fees. Ashley Ann Woods in Academic Affairs is exploring whether courses can have more than one fee. If so, then this would allow any current course fees along with the book amount.

B) With Opt-Out, student has a grace period to decide if they want to purchase materials. Once the census date is determined, then Pearson would create a standard file which TTC can upload via script to the student account. The charges would be imported daily and should be doable based on help from the programmers. This delays billing the student account until a certain census date.

Other discussion items:

- Our students may likely opt-out if they have a choice. Communication about affordability is critical. Pearson could provide marketing material from other colleges.
- My Labs Plus – faculty would want all students to have course material and not be able to opt-out

EXHIBIT D

From: Schmid,Mark
Sent: Thursday, June 14, 2018 1:56 PM
To: Harris,David
Subject: RE: MyLabsPlus Batch Enrollment - Contact Request

David,

So, if a student "opts out" they will still be in the course but have no access to the software (because I will be manually deleting them from their MLP course – i.e. automatic failure since they cannot do their work), according to Devon's previous emails.

Can Bio students opt out of paying the lab fee?

If there really is no option in order to take/complete the course – then just include the fee for access in the tuition and remove the opt out feature. That would be seamless.

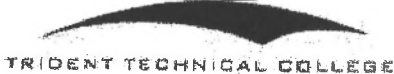
See you at 2:30 today.

Mark

From: Harris,David [mailto:David.Harris@tridenttech.edu]
Sent: Thursday, June 14, 2018 1:37 PM
To: Devon Holder ; Schmid,Mark ; Singleton,John
Cc: Flenner,David ; Smyczynski,Cara
Subject: RE: MyLabsPlus Batch Enrollment - Contact Request

Opt-Out will be an option everywhere. We do want students to have a choice, even if it is not in their best interest.

David Harris
Assistant Vice President- Instruction
Trident Technical College
843.574.6615 (office)
David.harris@tridenttech.edu
www.tridenttech.edu



From: Devon Holder [mailto:devon.holder@pearson.com]
Sent: Tuesday, June 12, 2018 11:15 AM
To: Schmid,Mark <Mark.Schmid@tridenttech.edu>; Singleton,John <John.Singleton@tridenttech.edu>
Cc: Flenner,David <David.Flenner@tridenttech.edu>; Harris,David <David.Harris@tridenttech.edu>; Smyczynski,Cara <Cara.Smyczynski@tridenttech.edu>
Subject: RE: MyLabsPlus Batch Enrollment - Contact Request

Thanks, Mark. Different schools take different approaches to the DOE regulation regarding opt-out based on the advice of their counsel. We can support setup regardless of which decision is made.

David, will opt-out be required for all courses in the Inclusive Access program? Or will the math courses be an exception?

Devon

Devon Holder
Account Manager - Georgia & South Carolina
devon.holder@pearson.com



From: Schmid,Mark [<mailto:Mark.Schmid@tridenttech.edu>]
Sent: Tuesday, June 12, 2018 10:50 AM
To: 'Devon Holder' <devon.holder@pearson.com>; Singleton,John <John.Singleton@tridenttech.edu>
Cc: Flenner,David <David.Flenner@tridenttech.edu>; Harris,David <David.Harris@tridenttech.edu>; Smyczynski,Cara <Cara.Smyczynski@tridenttech.edu>
Subject: RE: MyLabsPlus Batch Enrollment - Contact Request

Devon,

Those decisions are above my paygrade.
But, it was my understanding as y'all brought out at the first meeting – the Dept Of Ed requires an opt out option if students think they can purchase access code somewhere else at a cheaper price.

Mark
PS - I have included David Harris on this response.

From: Devon Holder [<mailto:devon.holder@pearson.com>]
Sent: Tuesday, June 12, 2018 10:15 AM
To: Schmid,Mark <Mark.Schmid@tridenttech.edu>; Singleton,John <John.Singleton@tridenttech.edu>
Cc: Flenner,David <David.Flenner@tridenttech.edu>
Subject: RE: MyLabsPlus Batch Enrollment - Contact Request

Hi Mark,

Students cannot get access to the Plus course with an access code. There is no way for Plus to accept an access code once we make it open access. It is open access for everybody. **The only way for a student to get access to these courses is through the Inclusive Access program.** That is also the only way they can get access at such a discounted rate.

For this reason, and because the technology is so crucial to success in these courses, when we first discussed opt-out last fall I know you all were considering not offering an opt-out option for these Math courses. Is that still under consideration or has it been decided that you must provide the opt-out option?

In either case, it will be important that you let the students know that you have negotiated for the best possible price for them and that they cannot get access any other way. If you do need to make opt-out available, we can work with RedShelf to make sure there is language that emphasizes those points on the opt-out screen.

Devon

Devon Holder
Account Manager - Georgia & South Carolina
devon.holder@pearson.com



From: Schmid,Mark [<mailto:Mark.Schmid@tridenttech.edu>]
Sent: Tuesday, June 12, 2018 9:52 AM
To: 'Devon Holder' <devon.holder@pearson.com>; Singleton,John <John.Singleton@tridenttech.edu>
Cc: Flenner,David <David.Flenner@tridenttech.edu>
Subject: RE: MyLabsPlus Batch Enrollment - Contact Request

Devon,

If a student opts out and then purchases an access code from somewhere else, how do they get into the course in order to type in their purchased access code?

Mark

From: Devon Holder [<mailto:devon.holder@pearson.com>]
Sent: Monday, June 11, 2018 11:16 AM
To: Schmid,Mark <Mark.Schmid@tridenttech.edu>; Singleton,John <John.Singleton@tridenttech.edu>
Cc: Flenner,David <David.Flenner@tridenttech.edu>
Subject: RE: MyLabsPlus Batch Enrollment - Contact Request

Hi Mark,

I have a call with RedShelf later this week to go over the details of the opt-out process that they are putting in place. I will bring up these concerns with them to see how we can best manage this process. Please send me any additional questions that might come up and I will discuss those with them as well.

In the meantime, I checked the contract and it does allow for reporting up to 10 business days after the add/drop deadline so there is some leeway to accommodate the "never attends" window that is needed. We just need to come to an agreement on which date makes the most sense for the enrollment files to stop so that your work dropping opt-outs is not un-done.

For these courses, there **will not** be an option to put in an access code. MyLabsPlus only supports either open access or coded access, it cannot do both for a single title. Because of that, any student who opts-out will not have access to Plus.

If a student joins the course after the opt-out deadline has passed, we'll need to confirm that student's account was charged for access and then they will need to be manually setup in Plus using the Admin Tools. I will get confirmation from RedShelf on how to confirm that the charge has occurred.

Once I get some initial information from RedShelf, it may make sense for us to all get on a call together to talk through the logistics. I will set that up for us sometime next week. Are there days/times that would work best for you?

Devon

Devon Holder
Account Manager - Georgia & South Carolina
devon.holder@pearson.com



From: Schmid,Mark [<mailto:Mark.Schmid@tridenttech.edu>]
Sent: Monday, June 11, 2018 10:39 AM
To: 'Devon Holder' <devon.holder@pearson.com>; Singleton,John <John.Singleton@tridenttech.edu>
Cc: Flenner,David <David.Flenner@tridenttech.edu>
Subject: RE: MyLabsPlus Batch Enrollment - Contact Request

Devon,

We have students who don't even show up to class until after the Drop/Add period.

How do students get back in if they opted out and therefore removed, but purchased Access Code on their own after the Drop/Add? If I remove them then they will not even see their course in order to put in their purchased access code.

For students whose first entry into the software is after the Drop/Add, will the "Opt Out" page be no longer visible?

What about students who are added to a course after the Drop/Add? It happens.

We use the enrollment extract to remove our Never Attends automatically. This happens almost a week after Drop/Add.

This sounds more involved than I thought it would be.

I had been under the impression that the gateway into the work was the "opt out page". Either stay in or opt out with immediate typing of access code.

Mark

From: Devon Holder [<mailto:devon.holder@pearson.com>]
Sent: Monday, June 11, 2018 9:49 AM
To: Singleton,John <John.Singleton@tridenttech.edu>
Cc: Schmid,Mark <Mark.Schmid@tridenttech.edu>
Subject: RE: MyLabsPlus Batch Enrollment - Contact Request

Hi John,

Thanks for reaching out and for copying Mark here. To give you some background, Trident recently signed an agreement to move the MAT 031/032 and MAT 110/111 courses into Inclusive Access. That program allows us to provide open access to MyLabsPlus (with no access codes required). The students are charged for the access as part of their registration process at Trident.

As part of that program, students will be given the option to opt-out of the purchase. The last date they can do so will be the Add/Drop deadline that Trident establishes each term.

At the Add/Drop deadline, RedShelf, who is managing the opt-out process, will send a file to Mark letting him know which students opted out. He will then manually drop those students from MyLabsPlus using the Plus Admin Tools. (Mark, Cara let Christine know that you would be the one taking on this role, please correct me if I am wrong about this.)

Once he drops those students from Plus, we need to ensure that the batch files do not continue to run as they would over-ride those manual settings. I believe you currently have the files running continuously throughout the semester. Can you please assist us in modifying those so that they run only during the Add/Drop period each term?

Please let me know if you'd like to get on a call to discuss this further or if you have any questions.

Devon

Devon Holder
Account Manager - Georgia & South Carolina
devon.holder@pearson.com



From: Singleton,John [mailto:John.Singleton@tridenttech.edu]
Sent: Monday, June 11, 2018 7:46 AM
To: devon.holder@pearson.com
Cc: Schmid,Mark <Mark.Schmid@tridenttech.edu>
Subject: FW: MyLabsPlus Batch Enrollment - Contact Request

Devon, I'm the Programming Manager in Enterprise Services at Trident Technical College. My team developed the scripts for the MyLabsPlus enrollment files. How can I assist?

Thanks,

John E. Singleton
Programming Manager / Applications Analyst
Enterprise Services
Trident Technical College
843-574-6254
john.singleton@tridenttech.edu
www.tridenttech.edu

From: Potter,Joe
Sent: Monday, June 11, 2018 6:58 AM
To: Singleton,John <John.Singleton@tridenttech.edu>
Subject: FW: MyLabsPlus Batch Enrollment - Contact Request

Please reach out to Devon.

Thanks,
Joe

From: Devon Holder <devon.holder@pearson.com>
Sent: Thursday, June 7, 2018 3:40 PM
To: Potter, Joe <Joe.Potter@tridenttech.edu>
Subject: MyLabsPlus Batch Enrollment - Contact Request

Hello Mr. Potter,

My name is Devon Holder and I used to correspond with Lisa Dean regarding MyLabsPlus batch enrollment files. She gave me your name as a follow-up contact when she left.

Can you please let me know who I should get in touch with regarding some questions about the MyLabsPlus enrollment files? Now that some of the math courses are planning to move to Trident's new Inclusive Access program in the fall, we'll need to coordinate a few things.

Thank you for pointing me in the right direction. I appreciate your assistance.

Devon

Devon Holder
Account Manager - Georgia & South Carolina
devon.holder@pearson.com

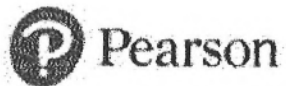


EXHIBIT E

From: Devon Holder <devon.holder@pearson.com>
Sent: Thursday, July 26, 2018 8:27 AM
To: Harris,David
Cc: Brian Buckley
Subject: National ISBNs

Hi David,

Here is a list of the equivalent national title ISBNs that are being used in the pilot program.

It's important to note that if a student purchases one of these national products, it will not give them access to the custom courses that are being used at Trident. There is no location in the custom courses for students to input a non-custom access code purchased outside of the Inclusive Access program. We would have to manually confirm the student's purchase and then manually re-enroll that student into the content they had opted out of. That process could take a few days to a week to complete.

Also, there are 3 titles in use in the custom courses at Trident that are no longer available nationally. I have noted those below in the National Access Card ISBN column.

Please let me know if you have any questions about this or if there is anything else I can help you with. I am planning to be on campus with Meredith on August 1st. I'd like to stop by to review the new D2L demo course and the student-facing documentation if you have some time available that day. Let me know what times would work best for you. Thanks!

Course name/#	Book Title	Author	Edition	National Print Book ISBN	National Access Card ISBN	Inclusive Product
MAT 031	Algebra Foundations: Basic Mathematics, Introductory Algebra, and Intermediate Algebra	Bittinger	1	9781323320204	9781323320204	MyLabsPlus
MAT 032	Algebra Foundations: Basic Mathematics, Introductory Algebra, and Intermediate Algebra	Bittinger	1	9781323320204	9781323320204	MyLabsPlus
MAT 110	College Algebra & Trigonometry	Lial	6	9780134112527	9780321199911	MyLabsPlus
MAT 111	College Algebra & Trigonometry	Lial	6	9780134112527	9780321199911	MyLabsPlus
EVT 101	Environment and You	Christensen	3	9780134646053	9780134838755	Modified M
ENG 260	Technical Communication, MLA Update	Lannon	14	9780134678825	9780133954708 - Out of Print	MyLab
ART 101	A World of Art	Sayre	8	9780134081809	9780134082349	Revel
ART 107	Art History, Volume 1	Stokstad	6	9780134479279	9780135197448	Revel
ART 108	Art History, Volume 2	Stokstad	6	9780134479262	9780135197462	Revel
HIS 104	Connections: A World History, Volume 1	Judge	3	9780133841442	9780134102849	Revel
HIS 105	Connections: A World History, Volume 2	Judge	3	9780133841398	9780134102856	Revel
SOC 101	Society (The Basics)	Macionis	15	9780134711409	9780135193402	Revel

SPC 205	DK Guide to Public Speaking	Ford-Brown	3	9780134380896	9780135197677	Revel
SPC 209	Interpersonal Communication: Relating to Others	Beebe	8	9780134202037	9780135197738	Revel
ACC 102	Horngren's Financial & Managerial Accounting, The Managerial Chapters	Miller-Nobles	6	9780134486857	9780134461724	MyLab
ECO 210	Economics Today: The Macro View	Miller	19	9780134478760	9780134481227	MyLab
ECO 211	Economics Today: The Micro View	Miller	19	9780134479255	9780134480336	MyLab
IDS 109	Skills for Success with Microsoft Office 2016 Volume 1	Adkins	1	9780134320786	9780134481043	MyLab
MGT 120	Entrepreneurship: Starting and Operating A Small Business	Mariotti	4	9780133934458	9780133935875	MyLab
CPT 102	Technology In Action Complete	Evans	12	9780133949568	9781323478479 - Out of Print	eBook
EGR 194	Applied Statics and Strength of Materials (Subscription), 6/e	Limbrunner	6	9780133840544	No national Access Card available.	eBook

Devon

Devon Holder

Account Manager - Georgia & South Carolina

devon.holder@pearson.com



From: Harris,David [<mailto:David.Harris@tridenttech.edu>]

Sent: Wednesday, July 25, 2018 12:51 PM

To: Devon Holder <devon.holder@pearson.com>

Subject: RE: Student-Facing Documentation

Devon-

Another thing we'll need ASAP is the list of 1) National ISBNs for all of the courses in the pilot (including any access codes for national REVEL/MYLABS/Mastering) and 2) IA version of ISBNs.

Our CFO would like to get all of our ducks in a row as soon as possible, so sorry for the short notice.

David

David Harris

Assistant Vice President- Instruction

Trident Technical College

843.574.6615 (office)

David.harris@tridenttech.edu

www.tridenttech.edu



TRIDENT TECHNICAL COLLEGE

From: Devon Holder [<mailto:devon.holder@pearson.com>]

Sent: Wednesday, July 25, 2018 9:30 AM

To: Harris,David <David.Harris@tridenttech.edu>

Subject: Student-Facing Documentation

Hi David,

Attached is a draft of some student-facing language you might find helpful as you put together the copy for the instructors to put in their D2L course shells and Syllabi. Some of this applies only to MyLab courses and some to ebook-only courses so it needs some editing before distribution to anyone.

Let me know if there is anything else I can do to help.

Devon

Devon Holder

Account Manager - Georgia & South Carolina

devon.holder@pearson.com

