



## **KEY PRINCIPLES**

**As approved by the CRAM Steering Committee  
August 22, 2008**

## Introduction

In November 2007, representatives from a number of Canadian student associations, university bookstores and publishers met to discuss issues relating to academic materials.

The meeting was arranged by the University of Alberta, and reflected the cooperative relationship between the Bookstore and the Students' Union at that school. It also reflected a joint desire by those parties to establish a national forum to address the fact that the price of academic materials is proving to be a large and increasing barrier to affordable education.

Data provided by the University of Alberta Students' Union indicated that, during the period between 1995 and 2007, the average student cost for textbooks inflated at more than 2.8 times CPI; prices for the "stable content titles" such as Calculus (Stewart), on which there has been very little change in academic thinking, increased at 3.5 times CPI. In addition, the Access Copyright levy (charged by the publishers, on a per page basis, for resources such as course packs) increased at 8.6 times CPI. (The textbook findings mirrored those identified by a number of Public Interest Research Groups in the United States, and were supported anecdotally by most Bookstore directors.)

*The well-above-inflation component of textbook price increases (since 1995) has added an additional \$275 per year to the average student's costs – or \$1,100 over a four-year program; that's \$1,100 MORE than if normal inflation rates had applied. Across one million students, and there are well over 1 million in Canada's "PSE system" right now, this above-inflation additional cost is \$1.1 BILLION before taxes.*

A number of other issues were discussed during the November 2007 meeting, including the implications of Canadian Copyright law, confusion regarding the rights acquired with the purchase of an institutional license, alternative methods of delivery, book importation regulations, and the considerations borne in mind by Faculty when prescribing academic materials for their classes.

The November 2007 meeting was so successful that the participants expressed a wish to meet again.

The second meeting took place in February 2008, and it was again arranged by the University of Alberta. During this meeting, the participating schools:

- decided to create an ongoing medium for cooperation between Canadian bookstores, student associations and (ideally) faculty representatives; it will be known as the Canadian Roundtable on Academic Materials (CRAM).
- discussed the concept of prescribing a number of key principles that should ideally be embodied into future approaches in the academic materials area; it was decided to delegate to the University of Alberta the task of drafting a set of recommended principles for review at the next CRAM meeting.

This document is a draft of a position paper for CRAM, and it focuses on the proposed key principles. The intent is for the document to be reviewed, amended and finalized as a formal position paper by delegates at the Summer 2008 CRAM Meeting.

This process is a starting point for a continuing, national discussion on academic materials between *all* stakeholders—students, faculty, bookstores and publishers. The goal is to ensure the existence of an ongoing medium through which the key parties can identify and implement ways of addressing the underlying issues.

## The Principles

### **CRAM will focus on nine principles:**

1. Academic materials must be a high quality and offer reasonable value to students.
2. Academic Community Members are the ultimate decision makers for selecting academic materials.
3. Academic Community Members should consider the cost for students when selecting course materials, and should explore and utilize the most cost-effective forms of delivery.
4. Publishers and other supply chain providers should, where feasible, utilize the most cost-effective technologies for delivering academic materials.
5. Strive for a clear balance in copyright legislation between owner and user rights that promotes the sharing of ideas.
6. Encourage academic community members to fully and clearly understand the legal implications of copyright-related agreements, so that Fair Dealing can be fully exercised at the campus level.
7. The academic materials delivery processes at each participating school should incorporate joint Bookstore, Student, Academic Community Members and Library committees that foster communication, promote enhanced relationships, and facilitate the sharing of ideas and concerns.
8. Establish monitoring and feedback mechanisms in order to measure and enhance the quality, affordability, and accessibility of academic materials.
9. Advance the cost-effectiveness and affordability of academic materials through the development of:
  - a. Advocacy strategies and tools that can be utilized at the campus level to promote enhanced awareness of the problems and the solutions.
  - b. Advocacy strategies and plans at the national level that focus on presenting a concerted and unified position in relation to matters concerning academic materials.
  - c. Communication with other national entities in the sphere of post-secondary education, including but not limited to the Association of Universities & Colleges of Canada (AUCC), the Canadian Association of University Teachers (CAUT), the Canadian Association of Research Libraries (CARL) and Campus Stores Canada (CSC).

These nine Principles are discussed further below.

## 1. **Academic materials must be of a high quality and offer reasonable value to students.**

Students require a reasonable balance between quality and affordability for academic materials.

They are unwilling to pay \$60 for a textbook if they are only going to use two or three chapters, but they will see value in paying \$100 for a textbook if they will be using most of the chapters or referring to it frequently. Students are not only concerned with the price but also the value that a textbook will bring to their education.

In a similar vein, students will not be reluctant to purchase a new edition if the edition has been necessitated by genuine academic or pedagogical change. They will resent being required to purchase a new edition that doesn't meet those conditions.

It should be noted that unnecessary new editions hurt students in two ways – by suddenly and drastically devaluing the books that students are hoping to re-sell when their course ends, and by closing off the less expensive used book market, and significantly increasing the cost of the textbook, for new course registrants.

Finally, students expect the relative cost of academic materials to remain reasonably stable, with above-inflation cost increases being triggered only by innovations that produce a parallel, useful and legitimate increase in effectiveness and utility.

### ***To reflect this principle, CRAM will:***

- Seek a publisher commitment to maintain price increases in line with inflation.
- Monitor textbook pricing, seek publisher explanations for above-inflation price increases and review these explanations on a case-by-case basis.
- Seek a publisher commitment that edition changes will be driven by pedagogy, and that non-major additions of new material (or non-major corrections to old material) will be covered by the addition of a supplement rather than through a completely new edition.
- Actively support the enforcement of book importation regulations and pursue alternative sources of supply in instances in which such regulations are not being observed.

## 2. **Academic Community Members are the ultimate decision makers for selecting academic materials.**

Universities and colleges were founded on the premise that experts in their respective fields are ideally positioned to mentor and teach students. Their experience and knowledge make them responsible for course design, which includes the selection of academic materials. Academic Community Members are clearly best-placed to select course materials, but (as noted below) they also possess an untapped potential to keep the price of academic materials affordable.

To reflect this principle, CRAM will:

- Engage Academic Community Members at the national level in CRAM and its processes.
- Engage Academic Community Members at the campus level with a view to heightening awareness of the concerns surrounding academic materials and finding cooperative solutions.

- Actively support Academic Community Members in their increasing efforts to maintain vigilance over the price and value equation covering academic materials, including:
  - their right to teach a course without prescribing a required textbook.
  - their right to know the price of academic materials before committing to them for their classes,
  - their right to negotiate the price of academic materials,
  - their right to request that academic materials come unbundled unless there is adequate academic merit behind bundling,
  - their right to ensure that previous editions may remain in use unless there are compelling academic or pedagogical reasons for a new edition, and:
  - Encourage Academic Community Members to consult with students in selecting academic materials.
  - Encourage Academic Community Members to solicit feedback on materials that were selected.

### **3. Academic Community Members should consider the cost for students when selecting course materials, and should explore and utilize the most cost-effective forms of delivery.**

Academic Community Members are the ultimate decision makers when selecting academic materials. This is a large responsibility, as a high-quality textbook can enhance a student's understanding of the subject and create a better educational experience. However, expensive, partially-relevant or low quality textbooks can create frustration and force needless purchases on students who are already under heavy financial pressure.

Where reasonably possible, Academic Community Members have an obligation to their students to consider affordability and cost-effectiveness when prescribing academic materials.

#### ***To reflect this principle, CRAM will:***

- Encourage Academic Community Members and course coordinators to consider price as often as possible when selecting academic materials, and to consult students regarding the value equation where the ability exists to do so.
- Encourage Academic Community Members and course coordinators to offer custom course material and alternative methods of delivery wherever feasible.
- Encourage participating schools to make the creation of custom course material and alternative methods of delivery as easy as possible for Academic Community Members.
- Encourage Academic Community Members to commit to their course materials as early as reasonably possible, so that the bookstore can locate and purchase them at the best available price.
- Encourage Academic Community Members to utilize digital archives to avoid going to Level 2 copyright charges (the Access levy).
- Confront situations in which university or college policy, or legislation, militates against the use of cost-effective modes of delivery.

#### **4. Publishers and other supply chain providers should, where feasible, utilize the most cost-effective technologies for delivering academic materials.**

The publishing business grew to prominence when the only credible form of delivery revolved around high-speed, high-volume printing presses. For many years, those presses remained the only suitable production medium. However, new technologies have developed in recent years that offer the promise of less expensive academic materials – especially for lower print volumes, small-run reprints and reproductions of the required sections of partially relevant textbooks.

In some instances, these technologies make it possible to implement a distribute & print-on-demand model, rather than the expensive print & distribute model historically utilized by the publishers. The newer model enables producers to tailor supply to demand, and to remove from the costing equation a significant amount of cost in areas such as distribution and returns.

In other instances, the emergent technologies raise a very fundamental question – do we need to actually print academic materials at all? While the answer in a number of cases will continue to be “Yes” for the foreseeable future, the answer in other cases might well be “No, we can offer electronic versions that obviate the need for a print process – and remove the associated costs.”

These new technologies create a business model dilemma for publishers that, over the course of time, found themselves in the printing business as much as the publishing business – if not more so. Their profitability could be challenged if, as is happening now, changing times pushed them away from the printing exercise and the profit contributions it makes to their overall viability.

The new technologies also create a security dilemma for the publishers, because some of the newer forms of delivery could exacerbate the problems of piracy and illegal photocopying. While they face those problems in the traditional delivery model, their fear is that they could worsen if new technologies were implemented.

Despite these challenges, it is important for the delivery process to utilize any technologies that offer students the promise of cheaper academic materials, and yet be sensitive to the reasonable needs of other key stakeholders, especially the goals, needs and expectations of Academic Community Members.

##### ***To reflect this principle, CRAM will:***

- Explore the availability and potential of alternative distribution models in the quest to reduce the overall cost of academic materials.
- Encourage Publishers and other supply chain providers to utilize alternative and more cost-effective technologies for delivering academic materials, where reasonably feasible.
- Explore potential solutions to problems that may be suppressing the adoption of new technologies.
- Explore the potential for a campus publishing consortium that could be set in place in the event that the Publishers and other supply chain providers refuse to adopt, or seriously pursue the adoption of, alternative and more cost-effective delivery approaches.

## **5. Strive for a clear balance in copyright legislation between owner and user rights that promotes the sharing of ideas.**

It is extremely important to the academic environment that Canadian copyright legislation is fair, appropriate and clear, that it balances owner and user rights, and that it promotes learning.

Copyright was created to ensure that authors retain ownership over the distribution of their works and enjoy the rewards of their creativity. Copyright was also created to encourage learning. In Canada's *Copyright Act*, user rights are guaranteed through "Fair Dealing", but the rules surrounding "Fair Dealing" are vague and have created uncertainty.

Moreover, there are signs that legislation created to, among other things, promote learning has actually evolved to a point at which it is suppressing learning by making it needlessly costly.

One example of an arguably suppressive characteristic of the current situation is the Access Copyright levy on copyrighted course pack materials. This levy has increased from just over two cents to ten cents since 1997 – an increase of over 800%. That situation has taken a medium intended to promote cost-effective learning (course packs) and made it almost prohibitively expensive. There are also questions, explored in the next Principle, about whether this levy actually represents a double-charge on end users.

### **To reflect this principle, CRAM will:**

- Encourage participating schools to work together to define and lobby for appropriate changes to Canada's *Copyright Act*, including changes that more clearly articulate when "Fair Dealing" will come into play, and changes that encourage and promote learning.
- Enter into dialogue with *Access Copyright* with a view to ensuring that custom course material and alternative methods of delivery recover their characteristic of being a legal and affordable alternative to partially-relevant textbooks, with a view to ensuring:
  - that it is easier for faculty and students to utilize them in suitable situations,
  - that end users are not subject to double-charges or unjustified single charges for using copyrighted materials.

## **6. Encourage academic community members to fully and clearly understand the legal implications of copyright-related agreements, so that Fair Dealing can be fully exercised at the campus level.**

It is equally important to the academic environment that copyright law and copyright agreements are properly enforced at the campus level, and that the Fair Dealing provisions intended to promote learning are properly applied.

As noted above, the rules surrounding Fair Dealing, as defined by the *Copyright Act* and supported by *CCH Canadian Ltd. v. Law Society of Upper Canada*, [2004] 1 S.C.R. 339, 2004 SCC 13, are vague. In addition, the Canadian publishing industry, through its Access Copyright vehicle, has implemented two methods of collecting copyright levies; the first is through a campus-wide institutional license purchased by each school (which permits Academic Community Members to reproduce

copyrighted materials for their students), and the second revolves around the mechanics for imposing copyright levies on certain course pack content.

It is probable that the existence of these two publisher-owned collection mechanisms is causing students to pay Access Copyright levies twice on the same materials – once through Part A (the institutional levy, funded from tuition fees), and once through Part B (the per-page levies imposed on certain course pack content).

***To reflect this principle, CRAM will:***

- Promote a better understanding of the nature and application of the licensing fees under the Access Copyright contract, and on the legitimacy of any situation in which end users may be required to pay two fees for the same usage.
- Encourage participating schools to conduct surveys to establish the level of fees being charged.
- Recommend to participating schools mechanisms aimed at ensuring that students are not over-charged for copyrighted material.
- Encourage participating schools to implement mechanisms aimed at ensuring that the “Fair Dealing” provisions of Canadian copyright law are fully and fairly exploited.

**7. The academic materials delivery processes at each participating school should incorporate joint Bookstore, Student, Academic Community Members and Library committees that foster communication, promote enhanced relationships, and facilitate the sharing of ideas and concerns.**

The University of Alberta has been the driver of this process because it has successfully created a highly cooperative relationship between the Bookstore and the Students’ Union – a relationship that enables both parties to define and discuss the issues and implement cooperative solutions. Things were not always that way, and a more adversarial relationship existed in the years leading up to around 2003.

The success of this cooperative model has paved the way for a variety of joint initiatives and idea-sharing – all aimed at the goal of ensuring the availability of cost-effective academic materials at the University of Alberta, and at the creation of national processes and alliances that pave the way for much greater progress in the years ahead.

***To reflect this principle, CRAM will:***

- Encourage participating schools to establish a committee incorporating the Bookstore, the student association, Academic Community Members and Library Staff, with such committee focusing on the principles and issues identified by CRAM.
- Capitalize on the skill sets available at the national level to refine and enhance the concept of campus-level cooperation.
- Identify and exploit ways of including Faculty in CRAM and its processes, at both the campus and national levels.

## **8. Establish monitoring and feedback mechanisms in order to measure and enhance the quality, affordability, and accessibility of academic materials.**

Academic materials affect classroom instructors, bookstores, students, and publishers. Before CRAM, each group was content to work within an isolated silo. This created a situation in which the key entities were unconnected at a national level, and unwilling – or unable – to share invaluable information. This information is a vital component in CRAM’s quest to achieve the goals it is being established to pursue.

If these issues are to be resolved, there must be increased collaboration, information-gathering and information-sharing between and among these various groups.

### ***To reflect this principle, CRAM will:***

- Encourage participating schools to survey (or acquire data by survey or other means) in areas such as the following:
  - how much students spend on academic materials, how satisfied they are, and how often they use their course materials (including the associated bundled materials, where applicable).
  - the views of Academic Community Members in relation to the academic materials they need for their courses, and the publisher processes that exist to produce those materials.
  - the attitudes of students, Academic Community Members and Library Staff towards, and the potential for implementing, alternative delivery technologies (e.g. electronic textbooks).
- Create opportunities for all stakeholders to meet and discuss academic material issues with one another.
- Maintain ongoing price and cost monitors.

## **9. Advance the cost-effectiveness and affordability of academic materials through the development of:**

### **a. Advocacy strategies and tools that can be utilized at the campus level to promote enhanced awareness of the problems and the solutions.**

There is a strong feeling among the CRAM participants that enhanced campus-level communication is a prerequisite for designing and implementing solutions to the current problems.

In many instances the problems are attributable to the fact that faculty:

- are not always aware of their rights in their interactions with Publishers and other supply chain providers,
- are not always made aware of the costs of the materials they are selecting,
- are not always made aware of the true validity of each new edition or the ways in which it differs from its predecessor,
- are not always aware of the alternative delivery mechanisms available to them,
- do not fully appreciate the impact on students of the rapid escalations in academic materials costs.

However, the lacking awareness doesn't just exist within the faculty area. Many of the other key stakeholders, including the Publishers and other supply chain providers, also lack the information and awareness necessary if they are to fulfill their part in the process.

**To reflect this principle, CRAM will:**

- Work with participants to identify the areas in which information and awareness are lacking.
- Commission communications pieces aimed at addressing the information and awareness shortfalls, with each such piece being tailored specifically to:
  - its audience (student, faculty, senior administration, Publishers and other supply chain providers, legislators, media etc.),
  - Its medium (print, electronic, mass circulation, targeted circulation),
  - its focus (national, local, campus).
- Assist in the implementation of strategies aimed at rectifying information and awareness shortfalls and promoting enhanced awareness.

**b. Advocacy strategies and plans at the national level that focus on presenting a concerted and unified position in relation to matters concerning academic materials.**

The publishers have long been active and highly effective in formulating and implementing strategies aimed at influencing the agenda of key governmental decision-makers. They are supported in these processes by a well-developed industry association with a significant staff.

The bookstores, collectively, have started to focus on this key area, and they have a capable advisor covering public relations strategy and tactics.

The student associations have major potential to become a very significant force in this area. They have advocacy capabilities, access to government at both the federal and provincial levels, and access to the highest level of university administration and faculty.

The student associations also have well-developed *national* organizations capable of lobbying on their behalf at the highest levels of federal government – and in multiple departmental areas. Unfortunately, there is a split between Canadian student associations in the national lobbying area, with some schools belonging to one national lobby organization, some schools belonging to another national lobby organization, and some schools opting not to become a member of either. This is unfortunate, because meaningful progress in the academic materials area is going to require all the cohesiveness that student associations can muster at the national level. Still, it is to be hoped that this particular piece is one on which all student associations can commit to common goals and joint efforts – regardless of their student-political affiliation.

**To reflect this principle, CRAM will:**

- Work to expand the number of CRAM participants by promoting the organization to Canadian post secondary organizations regardless of size, nature, location and student-political affiliation.

- Work to ensure that government regulation relating to textbooks and academic materials in general is reworked in such a fashion that it better balances the interests of faculty, students, bookstores, libraries and Publishers and other supply chain providers.
  - Support its participants in their attempts to influence legislation currently being discussed to make alternative materials more affordable for students and less burdensome for faculty and bookstores to promote and create.
  - Work to ensure that the initiatives and endeavours of CRAM are cohesive and are not diluted or damaged - at the local, provincial or federal levels - by differences in political perspective in other student arenas.
- c. Communication with other national entities in the sphere of post-secondary education, including but not limited to the Association of Universities & Colleges of Canada (AUCC), the Canadian Association of University Teachers (CAUT), the Canadian Association of Research Libraries (CARL) and Campus Stores Canada (CSC).**