

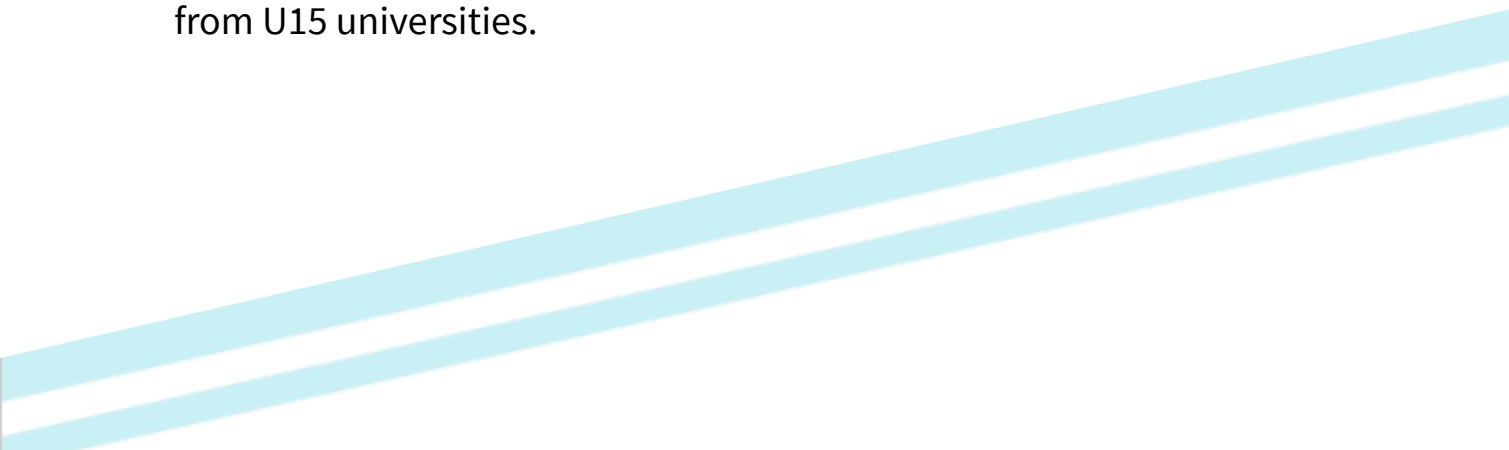
**SUBMITTED TO THE STANDING COMMITTEE ON INDUSTRY,  
SCIENCE AND TECHNOLOGY AS PART OF THE REVIEW OF  
THE COPYRIGHT ACT**



**BY: THE UNDERGRADUATES OF  
CANADIAN RESEARCH-INTENSIVE  
UNIVERSITIES**

Undergraduates of Canadian Research-Intensive Universities (UCRU) is a coalition of student associations whose mandate is to advocate to the federal government of Canada for an affordable, inclusive and high-calibre undergraduate university education with opportunities for increased access to undergraduate research. Our coalition began in 2015 to advocate on issues that disproportionately and uniquely affect undergraduates from Canada's U15 universities – which is what sets our strategic advocacy priorities apart from other student advocacy organizations at the federal level.

Our Mission: Advocate to the federal government of Canada for an affordable, inclusive, and high-calibre undergraduate university education with opportunities for research through a coalition of student associations from U15 universities.



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## Recommendation:

### **THE FAIR DEALING PROVISION OUTLINED IN THE COPYRIGHT ACT OF CANADA, AS IT PERTAINS TO EDUCATION, MUST REMAIN UNCHANGED AS THE REVIEW OF THE ACT IS COMPLETED.**

Post-secondary education serves a purpose as a public good, creating a highly educated workforce and responsible citizens who contribute back to society. Regarding the work of this committee, it is in the interest of students that a fair dealing exception and its expanded understanding be maintained. Increasingly, post-secondary education in Canada is resembling private study, with students paying for an increasing portion of the total fees for their education, approaching a majority of total university spending.

As the cost of attaining a post-secondary degree continues to rise, the educational fair dealing provision is increasingly more important to improve affordability and quality of education. Affordability continues to be an issue for students, particularly in relation to educational materials, such as textbooks. For example, a first-year Science student at Western University can be required to spend up to \$1,526.00 for textbooks that are required for classes. However, since the 2012 Fair Dealing provision amendment, students have been accessing more information, while seeing some associated costs reduced. Instructors can create 'course packs' that include tailored, course-specific resources. Students benefit greatly from these course packs that are affordable, if not free, and offer specific, relevant, and fair excerpts from a diversity of published materials. While course packs aren't a complete alternative to published textbooks, the options and combination of textbooks and course packs offers students a more affordable and accessible education. In the Fall of 2016, the University of

<sup>1</sup>Canadian Federation of Students-Fédération canadienne des étudiantes et étudiants qtd. In Davison, Janet, "Where do Canada's post-secondary dollars go?" CBC News, 16 March 2015, Accessed 31 July 2018, <https://www.cbc.ca/news/canada/where-do-canada-s-post-secondary-dollars-go-1.2994476>

<sup>2</sup> Western University, "Common University Data Ontario", 23

Toronto reported that thanks to the 2012 Fair Dealing provision amendment, rather than ‘double paying’ for resources that were already made available in libraries, student savings had totalled more than \$400,000 since 2014. If the fair dealing provision on education were to be amended, this expanded access to affordable and diverse information would be reduced significantly.

In addition, access to affordable educational materials has tangible student benefits beyond affordability; it will increase academic achievement. In a survey of British Columbia post-secondary students, 26% reported not taking a course because of textbooks costs, and 27% percent report decreasing their course load due to textbook costs, prolonging graduation times. In the 2010-2011 term, Virginia State University’s business school replaced traditional textbooks with openly licensed alternatives. While previously, only 47% of students used their textbook, up to 85% accessed the openly licensed materials. Evidence suggests that expanded use of Open Educational Resources (OER) is linked to higher levels of academic achievement, better grades, and lower rates of withdrawal from courses, as course content can be easily accessed at any time through any internet-enabled device. Increasing access to educational materials will enhance the ability of students to perform well in their courses.

Post-secondary institutions drive innovation and knowledge. They produce future industry leaders in business, healthcare, academia, politics, and many other important fields in Canada. The copyrighted learning resources that are available to instructors and students are integral to offering the most effective, affordable, and relevant materials in the classroom. The Canadian Copyright Act should continue to consider education as a provision for fair dealing. Students accept that education comes at a price, however, the affordability of copyrighted materials can assist with reducing the financial barriers that students face on campus.

3 Cancilla, Glushko, Organo and Slaght, “Engaging Faculty and Reducing Costs by Leveraging Collections,” 16.

4Jhangiani, R. S., & Jhangiani, S. (2017). Investigating the Perceptions, Use, and Impact of Open Textbooks: A survey of Post-Secondary Students in British Columbia. *The International Review of Research in Open and Distributed Learning*, 18(4). <http://www.irrodl.org/index.php/irrodl/article/view/3012>

5 Feldstein, Andrew, et al. 2012. “Open Textbooks and Increased Student Access and Outcomes.” *European Journal of Open, Distance and E-Learning*. <https://eric.ed.gov/?id=EJ992490>.

6 Ibid.