

Public Affairs and Advocacy

Report on CARL's 2012-2013 Public Policy and
Advocacy Activities

April 25th 2013



**Canadian Association
of Research Libraries**

**Association des bibliothèques
de recherche du Canada**

CARL's Advocacy Context

The Canadian Association of Research Libraries (CARL) represents the country's twenty-nine largest university libraries. Enhancing research and higher education are at the heart of CARL's mission. CARL promotes effective and sustainable scholarly communication, and public policy that enables broad access to scholarly information.

CARL's advocacy activities take place within the regulatory framework provided by its charitable status. In 2012, the CARL Board sought a legal assessment of our political activities to ensure compliance with the association's charitable status following questions on the political activities of some environmental charities. The review concluded that our political activities are well within the bounds of acceptable activities, as they support our charitable purposes, are non-partisan and within applicable spending limits as a percentage of our annual budget.

Our association includes two national library organizations that are part of the Government of Canada: Library and Archives Canada (LAC) and the National Research Council's Canada Institute for Scientific and Technical Information (CISTI). The Library of Parliament was a CARL member until December 2012, but it chose not to renew its membership due to budgetary restraints in Parliament. These members do not participate in any of CARL's advocacy or public affairs discussions or activities.

Our public affairs and advocacy are conducted by the CARL office in Ottawa. The Executive Director is the lead on this file, with support provided by a CARL program officer and by a government relations consultant.

The CARL program officer supporting the CARL Public Policy Committee and assisting with CARL public affairs and advocacy work changed in 2012 when Mr. Mat Jacques left in April for a position with the United Nations and again in August when Mr. Hans Felber-Charbonneau was hired. Hans is fully bilingual and holds degrees in political science and area studies (BA, MA). He joined CARL from the federal civil service (Passport Canada, Industry Canada) and has taken on public policy work as well as a wider communications role.

CARL's Positioning & Developments

CARL's advocacy efforts are coordinated with the parliamentary and federal budget cycles. Parliament usually sits from late September to mid-December and from late January to mid-June while the federal budget is presented to the House of Commons in February or March. We participate in the House of Commons Standing Committee on Finance's pre-budget consultations (midsummer to early-fall) as well as in the Department of Finance's consultations in January and February.

Last year, CARL members developed and approved new Strategic Directions that will be in effect from mid-2013 to mid-2016. Four of these were allocated to the CARL Public Policy Committee for operationalization: (1.2) Strengthen the national role of the research library network; (1.3) Promote community and international engagement; (3.3) Expand the role of the library in research; and (4.3) Represent the interests of the academic community in the information policy arena.

CARL's key public policy messages emphasize four broad areas of interest, namely: government support for research and its infrastructure; Internet access and policy; support for national

libraries and heritage; and balanced copyright. This shapes our advocacy efforts as we emphasize one issue or another, depending on the forum. We monitor and, as it may seem appropriate, respond to policy developments in our fields of interest throughout the year.

Political Developments in 2012

Last year marked the Conservative Party's second year of majority government, while the centre-left New Democratic Party and the centrist Liberal Party of Canada respectively form the official and second opposition parties.

The economy remains the government's priority, along with "law and order" issues. The past year emphasized austerity measures to balance the federal budget by 2015 (an election year) without increasing taxes. This reality limits the government's investments in research, which remains heavily focused on applied research and partnerships with the private sector. There were few surprises in Budget 2013, which included little new spending on research, but we were pleased to see a renewed funding commitment to the Canada Foundation for Innovation (CFI), which funds research infrastructure: CARL has hope that this may facilitate CFI support of a national research data initiative. Happily, there were no cuts announced in 2013 to programs affecting national library and archival services (unlike in 2012).

CARL's advocacy efforts have included contacts with ministers' offices in such areas as Heritage, Industry, International Trade, Science and Technology. We also contacted members of the relevant House of Commons and Senate Standing Committees at the beginning of 2013 to highlight issues of importance to our members. This raised their awareness of some issues of importance to CARL, allowing us to build on some existing relationships. Our letters have so far led to meetings with Rod Bruinooge (Conservative MP for Winnipeg-South), who is the Chair of the Conservative Party Post-Education Caucus of parliamentarians, and with the Honourable Carolyn Bennett (Liberal MP for St-Paul's, Toronto).

Support for Research

CARL advocates continued government support for research, even in the current economic climate. We propose in our communications that research stimulates innovation and economic growth, and benefits Canadian society and the lives of Canadians.

We ask that the government maintain its subvention of research support agencies, including the National Research Council, the federal granting councils, and infrastructure agencies such as the CANARIE digital research network and the Canada Foundation for Innovation. In this vein, we encourage the government to maintain national research information organizations, such as Library and Archives Canada.

CARL expressed these views in its submission to the Finance Committee, as well as in its 2012-2013 meetings with Members of Parliament and its public policy communications. We represent our members' views in various panels, discussions and consultations with federal research support organizations. An example of this is our participation in a breakfast conference with the granting council and CFI presidents organized by the Canadian Consortium for Research in November 2012 and in our annual participation in the CANARIE users' forum.

Indirect Costs Program

Industry Canada's Indirect Costs Program covers a portion of the indirect research costs for federally-funded research at Canadian universities. Industry Canada is formulating positive effect indicators of its impact on the Canadian research environment and developing "baseline metrics," which include library-related indicators partly derived from the CARL library statistics. CARL member institutions were consulted through a questionnaire, for which model library-related responses were prepared by a CARL working group and shared with member libraries.

Research Data Management

CARL continued to recommend government support for research data management during the reporting period through letters (in particular to the Minister of State for Science and Technology) and in our budget brief.

The government's Open Data Portal remains a work in progress, although CARL has commended the program's stated objectives. We continue to look forward to a broader range of non-geospatial datasets being made accessible through the Portal.

CARL is a participant in two initiatives that seek to improve Canada's research data management and coordinate the development of a national digital infrastructure for research: Research Data Canada and the Leadership Council for Digital Infrastructure for Research.

CARL made a monetary contribution to the establishing of Research Data Canada (RDC), the new organization that, with the continuing leadership of Pam Bjornson, Director General, Knowledge Management, National Research Council (NRC), builds on the work of the earlier Research Data Strategy Working Group. Martha Whitehead (Queen's University) is CARL's representative on the RDC Steering Committee.

Both RDC and CARL are members of the Leadership Council for Digital Infrastructure for Research, another new formation that brings together the Chairs or Presidents of the federal granting agencies and major research support organizations, such as Compute Canada, CANARIE, and the Canadian University Council of Chief Information Officers (CUCCIO). This group is discussing a rational approach to the planning and funding of Canada's digital support infrastructure for university research. Tom Hickerson, as CARL President, has been CARL's representative to this group.

Open Access

CARL promoted awareness and understanding of Open Access (OA) throughout the reporting period. In partnership with SPARC and other organizations supportive of OA, CARL produced a poster aimed at researchers that was displayed on all Canadian university campuses in time for Open Access Week 2012. Executive Director Brent Roe addressed the Graduate Caucus of Canadian Federation of Students on OA advocacy strategy in March 2013. CARL President Tom Hickerson, informally representing North America, was one of the signatories to an international op-ed piece in *Le Monde*, the renowned French newspaper, in support of OA.

As many major research-funding agencies around the world are developing policies to promote OA to the results of publicly funded research, so too are Canada's three major federal granting agencies. While the Canadian Institutes of Health Research (CIHR) has had a policy for a few years (strengthened from January 2013), the Natural Sciences and Engineering Research Council (NSERC) and the Social Sciences and Humanities Research Council (SSHRC) have not yet

developed OA policies, so a “harmonized” policy across the three granting agencies is being considered currently. In recognition of CARL’s leadership in the promotion of OA in Canada, CARL (represented by Brent Roe) was invited to participate in a working group to plan a one-day stakeholder consultation on the implementation of a harmonized OA policy. The consultation took place on March 22 and there was good representation of research libraries, publishing groups and university researchers and administrators. The event was felt by participants to be a good exchange of views. CARL is hopeful that a policy may be announced within the next year.

CARL has also addressed OA in its meetings and correspondence with parliamentarians, highlighting Canadians’ right to access research outputs that they finance through their taxes and the advantages of broad public access to research literature.

Preserving Canada’s Documentary Heritage

While the government generally maintained its support for research and its infrastructure in Budgets 2012 and 2013, deep budgetary cuts in Budget 2012 afflicted Library and Archives Canada (LAC) and led to the closure of a number of libraries in federal government departments.

The role of Canada’s national libraries

Budget 2012 cut \$9.6 million from LAC’s budget, leading to the elimination of some 200 positions, which represents about 15% of personnel. Ten percent of LAC’s budget will have been removed between 2012 and 2015. CARL issued a statement denouncing the cuts in May 2012, but there is little hope that the government will change its position.

LAC also announced the cancellation of the National Archival Development Program, which distributed \$1.7 million for projects at archives across the country, and the shutdown of LAC’s interlibrary loan (ILL) service. CARL, among other groups, is working with LAC to develop a Lender of Last Resort policy to partially compensate for the loss of the general ILL service. LAC is digitizing collections that are the object of the most frequent ILL requests. It is not yet clear what the consequences will be for the ILL services of other CARL research libraries.

Librarian and Archivist of Canada, Dr. Daniel Caron, discussed these issues with the CARL Board and members during the 2012 CARL Fall Meeting. This was an opportunity for LAC to explain its vision for the future and for CARL members to ask questions and make suggestions.

CARL has worked with LAC on a number of initiatives during the reporting period. For example, CARL has participated in the Pan-Canadian Documentary Heritage Network forums and in stakeholder working groups on such topics as the National Union Catalogue and the an LAC policy on “last copy.”

The future of LAC is of concern to many Canadians as well as to CARL and will be examined in the coming year by the Royal Society of Canada, the Council of Canadian Academies and the House of Commons Standing Committee on Canadian Studies. CARL will very likely be a major respondent in these various studies.

Access to government publications

Through its positions on the Depository Services Program (DSP) Library Advisory Committee, CARL has long encouraged a move to all-digital distribution of federal government publications to libraries and more work with other agencies of government to ensure that government

publications (including website content) are comprehensively preserved. In the wake of the 2012 federal budget, only digital publications will be distributed from 2014 onwards as a cost saving measure; there remains reason to be concerned about progress on long-term government publication management issues. We note here that a number of CARL member libraries are collaborating in the development of a private LOCKSS network precisely for the long-term preservation of government documents and that the DSP has made its e-collection available for inclusion.

Federal libraries

While CARL chose to take no position on the closure of federal department libraries, it did send letters to affected departments to urge the retention and preservation of materials of research value. We noted in our letters that a number of CARL member libraries were prepared to absorb collections if these would otherwise be of risk. Most departments responded with assurances that they were making provisions for their research-valuable materials (such as turning these over to LAC), though a couple of the departments did ask CARL for assistance in locating adoptive libraries for collections.

Postal Rates for Library Materials

CARL continued in the current reporting period to encourage in letters the passage through the parliamentary process of Bill C-321, a private member's bill requiring a preferential rate for library materials by Canada Post. The bill is currently being examined by the Senate, one of the last steps before it becomes law, which we are optimistic about seeing before Parliament recesses for the summer.

Traditional Knowledge

This last year, CARL stated its support for IFLA's position on traditional and indigenous knowledge. CARL had earlier sponsored, together with other organizations, the April 2012 IFLA Presidential Programme Spring Meeting in Vancouver on "Indigenous Knowledge: Local Priorities, Global Contexts."

Affordable and Private Broadband Internet Access for All

CARL adopted early in 2013 a clear position in favour of affordable access to broadband Internet for all Canadians, and advocated this position in our meetings with Members of Parliament. We also submitted a brief in April 2013 detailing CARL's position to the House of Commons Standing Committee on Industry, Science and Technology.

CARL was also pleased to see the abandonment by the federal government of Bill C-30 on lawful access, a controversial Bill that proposed that police and intelligence agencies have broader powers, with a lower level of judicial oversight, to monitor telecommunication and Internet activity in Canada. When the bill was introduced, CARL expressed its concerns about it in a letter to the Minister of Public Safety.

Finally, CARL staff participated in February 2013 in the annual Canadian Internet Forum, a forum for discussion of Canadian Internet governance issues, hosted by the Canadian Internet Registration Authority.

Maintaining Balanced Copyright

CARL has advocated for greater balance in Canadian copyright legislation for years, so we were pleased to see the passage into law of the *Copyright Modernization Act*. This Act includes new or improved exceptions for users, including libraries and educational institutions. It notably includes “education” as a fair dealing purpose. The Act unfortunately also includes strict anti-circumvention language around digital locks. The new Act received Royal Assent in June 2012 and came into force in late October. CARL issued a positive communiqué following its passage.

WIPO

CARL staff has participated in two stakeholder briefings hosted by Industry Canada before the June and December meetings of the WIPO Standing Committee on Copyright and Related Rights (SCCR). These are an opportunity to express to Canada’s government representatives CARL’s preferences for positions that Canada might take on issues under discussion. CARL has encouraged the Canadian government to support the treaty for the blind that is currently under discussion and to consider the IFLA proposal for a WIPO vehicle around required exceptions in copyright laws.

International Trade Negotiations

The government’s economic agenda included foreign policy. Currently, comprehensive trade negotiations are underway with the European Union and Canada more recently joined negotiations in the Trans-Pacific Partnership (TPP). Both negotiation processes are secretive with little publicly available information outside occasional press briefings and leaked reports. CARL has expressed concern that such agreements should not require changes to Canadian copyright law.

We gave the TPP more attention last year as Canada began to take part in the consultation process. We wrote to International Trade Minister Ed Fast in October 2012 to highlight our concerns and asked that the government stand for a treaty that aligns with the so-recently passed *Copyright Modernization Act*. We met with the Canadian trade negotiators responsible for intellectual property to reiterate our message, noting our particular concern about the contents of a leaked US proposal that would require of TPP signatories a copyright term of 70 years beyond death (Canada’s term of copyright is currently 50 years after the death of the author). The officials confirmed that Canada’s position would be to avoid having to re-open the country’s current copyright legislation; we hope that this position is maintained.

Collective Management of Copyright

The updated *Copyright Act* and certain Supreme Court decisions announced during the summer of 2012 transformed Canada’s educational sector’s interpretation of fair dealing. The Association of University and Colleges of Canada (AUCC) updated its model fair dealing policy to reflect these changes, with some consultation with CARL, although, in fact, the basic policy is that endorsed as well by the Council of Ministers of Education of Canada (CMEC) for the K-12 sector and by the Association of Community Colleges of Canada (ACCC).

CARL organized a teleconference in February 2013 presented by copyright expert and lawyer Wanda Noel to explain in detail the implications of the Supreme Court rulings to CARL members. It was Ms. Noel who had successfully represented Canada’s provincial Ministers of Education in last year’s Supreme Court case against Access Copyright.

In April 2013, Access Copyright, the copyright collective for print works in all provinces except Quebec, launched a lawsuit against York University (Toronto) for alleged breaches of copyright and questioned the university's approach to operating outside of a relationship with the collective. CARL condemned the lawsuit in a statement. Whatever its legal merits, the suit has the appearance of pouncing upon one university to persuade other universities to pay, or keep paying, for the collective's blanket license. Many universities, upon legal advice, have deemed a blanket license with Access Copyright to be unnecessary for the copying that they routinely do, which is guided by the fair dealing policy mentioned above. The CARL statement was referenced in several blogs and occasioned an interview with Brent Roe and subsequent article in *Quill & Quire*, anglophone Canada's major news publication for the publishing industry.

Digital locks

In mid-2012, CARL created a working group to examine the impact of digital locks in research libraries, in consideration of the new legal protection of digital locks ("technical protection measures") recently provided by the *Copyright Modernization Act*. This group informally investigated the experience of library staff with digital locks and found that they were not a major impediment—although certainly inconvenient at times—to library service or the use of library materials.

The group proposed a number of recommendations for libraries in connection with digital locks, chief among these being that libraries must be careful to negotiate the rights they will need with vendors so that they do not encounter digital locks that prevent a needed use. CARL will be providing a session on the report and recommendations will be presented at the Canadian Library Association conference at the end of May 2013.

Other activities

CARL and ARL issued two joint statements supporting academic librarian Dale Askey and his employer McMaster University in February and March 2013. These statements urged Edwin Mellen Press and its owner to drop a libel suit against Mr. Askey and McMaster. We were pleased that the Mellen lawsuit against Askey and McMaster was subsequently dropped. Unfortunately, the press owner's personal libel suit, denounced by CARL and ARL in our second statement, remains in play.

We have worked in parallel with the Canadian Library Association (CLA) on issues of common interest. CARL contributed views and statistics to the CLA's National Values Profile of Canadian Libraries, an advocacy tool that highlighting the importance of libraries. We continue to work with CLA on copyright issues through a seat on their Copyright Committee (staffed by Brent Roe).

CARL formed a strategic partnership in spring 2013 with the Consortia Advancing Standards in Research Administration Information (CASRAI), a relatively new international organization that promotes standardization of information documentation relevant to university research support and administration. We have been invited to provide a track of library-related sessions on at CASRAI's annual conference in October 2013, which presents an opportunity to discuss also such themes as research data management and Open Access with another potentially influential audience (research administrators).

CARL has looked beyond the Canadian border on certain themes. At the behest of SPARC, we encouraged Canadians to support the June 2012 White House petition on Open Access. We also

assisted with some French translation for Jonathan Band's and Jonathan Gerari's April 2013 *Fair Use/Fair Dealing Handbook*.

CARL continues its membership in the Canadian Consortium for Research, a coalition that includes 18 organizations. The consortium usually submits a joint brief during the pre-budget consultations, or agrees on common key messages.

CARL staff has attended several breakfast conferences organized by researcher associations with guest lectures by scholars and scientists on topics of public policy interest. These breakfasts, held on Parliament Hill, are attended by parliamentarians and their staffs and are a good opportunity to make their acquaintance and briefly promote our vision. We also work closely with other library and like-minded organizations on issues of common interest.

Finally, in the interest of sensitizing future library professionals to public policy issues faced by libraries, Brent Roe had the pleasure of presenting a guest lecture on information policy and libraries to the class of the University of Ottawa's Master of Information Studies program (October 2012). He also presented a guest lecture on changes to Canada's *Copyright Act* to the class of the Algonquin College Library and Information Technician program (also October 2012).

For more information

Consult the CARL website for more information on our advocacy activities:

- CARL and Public Affairs www.carl-abrc.ca/publicaffairs
- CARL publications www.carl-abrc.ca/en/publications

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