

**Written Submission to the  
Department of Finance Canada  
Pre-Budget Consultations 2023**

**Canadian Association of Research  
Libraries**

**Thursday February 9, 2023**

[www.carl-abrc.ca](http://www.carl-abrc.ca)

## List of Recommendations

**Recommendation 1:** That the Federal Government provide funding in the amount of \$30M over three years, divided into three \$10M funding initiatives through targeted federal agencies, to foster increased production and use of post-secondary open educational resources (OERs).

**Recommendation 2:** That the Federal Government introduce legislation to ensure that Canada's public and academic libraries and users have access on reasonable terms to e-content from multinational publishers.

## Introduction

The Canadian Association of Research Libraries (CARL) is the leadership organization for Canada's research library community. The Association includes the 29 largest university libraries across the country. CARL's mission is to enhance the capacity of Canada's research libraries to partner in research and higher education, seeking effective and sustainable scholarly communication and public policy encouraging of research and broad access to scholarly information.

This submission focusses on measures to support access and preservation of content in a digital environment. The impact of the COVID-19 pandemic changed the way in which higher education instruction and scholarly research is consumed, creating an unprecedented environment for accessing academic instructional and library resources via electronic means.

## Federal Support for Canadian Open Educational Resources

Academic libraries are increasingly involved in the support of course materials on university campuses, via Library resources and course reserve services. As part of those efforts libraries also provide access to Open Educational Resources (OER), often providing publishing support and finding guides for OER. Libraries and others recognize that the use of OER in educational contexts provide numerous benefits to both students and instructors.<sup>1</sup> The cost of textbooks and other course materials can present major financial hurdles for students.<sup>2</sup> With textbooks costing students between \$800-\$1,000 per year, some students are forced to make difficult financial choices between life necessities and their education, especially at a time when many Canadians are struggling with financial issues tied to inflation and affordability when it comes to their living expenses.<sup>3</sup> For post-secondary students the primary benefit of OER is access to cost-free learning materials, as well as access to online resources that are created with pedagogical innovation in mind.<sup>4</sup> Instructors using OER benefit from flexible course design and delivery enhanced by the ability to adapt and customize materials for their specific classroom contexts. Furthermore, investment in OER has repeatedly been found to produce savings for students and their families.

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<sup>1</sup> Roche, D. G., O'Dea, R. E., Kerr, K. A., Rytwinski, T., Schuster, R., Nguyen, V. M., Young, N., Bennett, J. R., & Cooke, S. J., (2021). Closing the knowledge-action gap in conversation with open science. *Conservation Biology* 36(3), e13855, <https://doi.org/10.1111/cobi.13835>

<sup>2</sup> "Educational Materials Beyond Textbooks: Learning in the 21st Century," 2019, CASA-ACAE <https://bit.ly/36smjqh>

<sup>3</sup> "Budgeting for student life," Financial Consumer Agency of Canada <https://bit.ly/3eV1J5C>, and "Fixing The Broken Textbook Market," 2nd ed. 2020, <https://bit.ly/3kqxYL6>

<sup>4</sup> Roche, D. G., O'Dea, R. E., Kerr, K. A., Rytwinski, T., Schuster, R., Nguyen, V. M., Young, N., Bennett, J. R., & Cooke, S. J., (2021). Closing the knowledge-action gap in conversation with open science. *Conservation Biology*, 36(3), e13855, <https://doi.org/10.1111/cobi.13835>

Estimated student savings from British Columbia exceed \$31.5 million,<sup>5</sup> and eCampus Ontario notes an average of \$101 in savings for each student who has taken a course using an OER.<sup>6</sup> Open Oregon, which provides open educational resources in the state of Oregon, estimates its return on investment for OER to be \$14 dollars in student savings for each dollar invested.<sup>7</sup> On December 23, 2022, the U.S. House of Representatives passed the Fiscal Year 2023 [omnibus appropriations bill](#). The bill includes \$12 million in funding for the federal Open Textbook Pilot grant program bringing the program's total funding to \$47 million over six years..<sup>8</sup> As well in 2022, the U.S. Congress reintroduced the Affordable College Textbook Act, to address the cost of course materials for college students across the United States.<sup>9</sup> While we recognize that education is largely a provincial and territorial jurisdiction, CARL and other post-secondary education stakeholders believe there remains an important responsibility for the federal government to foster national initiatives to support OER. As a founding UNESCO member, Canada has a national responsibility to uphold and advance the principles outlined in the [UNESCO Recommendation on OER](#) (UNESCO, 2019). It calls for building supportive policy for OER, which happens most effectively at the federal level. OER infrastructure is currently piecemeal across provinces; a national infrastructure would facilitate greater discoverability of resources, identification of gaps in OER coverage, enable more reuse and customizations and by virtue of national coordination advance innovation. A national digital infrastructure that could include publishing, discovery and hosting has the potential to position Canada as a world leader in OER. Funding national digital infrastructure is not unprecedented. For example, the Government of Canada is funding digital infrastructure support for higher education researchers through the [Digital Research Alliance of Canada](#).<sup>10</sup>

Furthermore, many existing OER developed in Canada are not created in French and are lacking French language adaptations. The *Official Languages Act* (1985) mandates the Minister of Canadian Heritage to ensure official language minority communities

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<sup>5</sup> BCcampus. (n.d.). *Open textbook stats*. <https://open.bccampus.ca/advocate-for-open-education/open-textbook-stats/>

<sup>6</sup> eCampus Ontario. (n.d.). *Impact*. <https://openlibrary.ecampusontario.ca/impact/>

<sup>7</sup> Open Oregon. (2019). *Continuing Savings from Past OER Grants*. <https://openoregon.org/continuing-savings-from-past-oer-grants/>

<sup>8</sup> SPARC. (December 23, 2022). U.S. Open Textbook Pilot Program Renewed for Sixth Year. <https://sparcopen.org/news/2022/u-s-open-textbook-pilot-program-renewed-for-sixth-year/>

<sup>9</sup> SPARC (March 11, 2022). Congress Introduces Bill to Tackle College Textbook Costs while Renewing Open Textbook Pilot Grant Program. <https://sparcopen.org/news/2022/congress-introduces-bill-to-tackle-college-textbook-costs-while-renewing-open-textbook-pilot-grant-program/>

<sup>10</sup> RDM infrastructure (e.g. Federated Research Data Repository (FRDR)) is part of the [Digital Research Alliance of Canada](#) (2022) and tie into the larger strategy of the ISED (2021b) [Digital Research Infrastructure](#) (2021).

can be educated in their own language<sup>11</sup> and ensuring quality post-secondary educational opportunities for minority and second official language communities is a key aspect of federal involvement in the post-secondary system. In 2021 alone, the Government of Canada announced \$121.3 million in funding over three years with the aims of boosting capacity, enhancing collections and maintaining access to programs.<sup>12</sup> This follows recent investments to support minority language education at Canadian post-secondary institutions totaling \$80 million.<sup>13</sup> Research on open education and OER has shown that translation of OER can be a first step in addressing cultural and linguistic distinctions, but that adapting or creating new content that focuses on local contexts is preferred.<sup>14</sup>

OER about and for Indigenous peoples of Canada is also an important area that would benefit from Federal funding to help Canada meet the educational actions as detailed in the [Truth and Reconciliation Commission's Calls to Action](#) report, which has multiple relevant Calls including those related to advancing Indigenous education (Calls 7 and 12), language revitalization (Call 14), and settler education (57, 62, 63, 64 and 94).

The Government of Canada's commitment to the [United Nations Declaration on the Rights of Indigenous Peoples \(UNDRIP\)](#) (2007, pp. 5-6) in the [UNDRIP Act](#), also connects with Indigenous educational rights and specifically Articles 13 through 15. In the context of OER and Indigenous Knowledges, OERs, when developed in a culturally responsive manner, may support the sharing of Indigenous Knowledges, language revitalization, and cultural resurgence. As well for Indigenous learners, OER can support the development of curriculum resources.

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<sup>11</sup> Official Languages Act, Revised Statutes of Canada (1985, c. 31 (4th Supp.)). Retrieved from Justice Laws website: <https://laws-lois.justice.gc.ca/eng/acts/o-3.01/index.html>

<sup>12</sup> Canadian Heritage. (2021, August 11). *The Government of Canada invests \$121.3 million over three years to support post-secondary minority-language education*. <https://www.canada.ca/en/canadian-heritage/news/2021/08/the-government-of-canada-invests-1213-million-over-three-years-to-support-post-secondary-minority-language-education.html>

<sup>13</sup> Ibid.

<sup>14</sup> Bali, M., Cronin, C., & Jhangiani, R. S. (2020). Framing Open Educational Practices from a Social Justice Perspective. *Journal of Interactive Media in Education*, 2020(1). <https://eric.ed.gov/?id=EJ1254006>; Cobo, C. (2013). Exploration of open educational resources in non-English speaking communities. *The International Review of Research in Open and Distributed Learning*, 14(2), 106-128. <https://doi.org/10.19173/irrodl.v14i2.1493>; Hodgkinson-Williams, C. A., & Trotter, H. (2018). A Social Justice Framework for Understanding Open Educational Resources and Practices in the Global South. *Journal of Learning for Development*, 5(3), Article 3. <https://jl4d.org/index.php/ejl4d/article/view/312>; Karakaya, K., & Karakaya, O. (2020). Framing the Role of English in OER from a Social Justice Perspective : A Critical Lens on the (Dis)empowerment of Non-English Speaking Communities. *Asian Journal of Distance Education*, 15(2), 175-190. <https://eric.ed.gov/?id=EJ1285282>

We propose that Federal commitment to OER support should be administered through several Federal departments or agencies in consultation with Libraries and Archives Canada in a funding cycle of three-year pilot funding:

- A \$10M pilot program funding OER creation and infrastructure through Canada's three research granting agencies, administered through the Social Sciences and Humanities Research Council;
- A \$10M fund to support bilingual OER and advancement of Official languages administered by Canadian Heritage; and
- A \$10M fund to build capacity for Indigenous communities to develop their own OER, including Indigenous language materials, administered by Indigenous Services Canada, and OER related to Truth and Reconciliation, relevant to both Indigenous and non-Indigenous Canadians administered by Crown-Indigenous Relations and Northern Affairs Canada.

**Recommendation:** That the Federal Government provide funding in the amount of \$30M over three years, divided into three \$10M funding initiatives through targeted federal agencies, to foster increased production and use of post-secondary open educational resources (OERs).

## Introduction of Legislation to Ensure Reasonable Terms for Library Subscriptions to E-content

Education and research in Canada are publicly supported and, as such, the market for educational materials should be based on fair and equitable access. Libraries encounter the following barriers:

- For the majority of course textbooks, publishers do not allow libraries to purchase electronic editions. In those cases when they do allow the acquisition, the quoted prices are in the thousands of dollars for access by one user, or a handful of users, at a time.
- Publishers increasingly offer titles solely through highly restricted access models geared towards extracting the maximum amount of money from students. For example, e-textbooks are rented to students, with access limited to one semester. Publishers often add an additional, recurring fee for platform access, while also charging a per-title cost for materials, both of which must be paid annually to retain access.
- Many e-books are only available to libraries in bundles, the cost of which frequently reach tens of thousands of dollars. It is not justifiable to pay for an entire bundle of e-books when only one book title is required for student use.
- Publishers often lock e-books into platforms that use digital rights management to control the number of users and prevent normal online reading activities (like downloading or printing). Such limits create complications for reasonable use,

particularly when texts are being used in instruction and by students studying in a variety of locations with a range of connectivity realities.

- Core textbooks and e-books that have been available to libraries in the past can disappear from publisher lists without notice, leaving instructors and librarians unaware when a book being used in a course is suddenly unavailable.

Libraries in other countries, including the UK, Australia, New Zealand, and the United States have experienced similar problems. In the US, as of June 2022, six states have active bills to address these issues. Terms in the bills vary, but are designed to ensure that “widely accepted and effective industry practices remain in place while prohibiting harmful practices that discriminate against libraries and harm library patrons.”<sup>15</sup>

In its pre-budget submission, the Canadian Urban Libraries Council proposes that the federal government introduce legislation to protect public and academic libraries from discrimination by multinational publishers. CARL supports that request and, owing to the impacts of limited digital licensing on academic libraries, advocates for the same recommendation.

**Recommendation:** That the Federal Government introduce legislation to ensure that Canada’s public and academic libraries and users have access on reasonable terms to e-content from multinational publishers.

Finally, as a member of the Canadian Consortium for Research (CCR), CARL would like to reinforce CCR’s recommendations to increase support to scholarship awards, to the Tri-Councils for investigator-led research, renew investments in equity, diversity, and inclusion initiatives related to research, expand the Statistics Canada academic staff survey to include data on part-time faculty, develop a Science and Research Human Resource Strategy, and better support government science through increased funding and expanding partnership opportunities.

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<sup>15</sup> New York State Legislation, Bill A05837,  
<https://nyassembly.gov/leg/?bn=A05837&term=&Summary=Y&Actions=Y&Votes=Y&Memo=Y&Text=Y>