

Assessing the use of CanLit in teaching at Simon Fraser University

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Background

Literary CMOs', creators' and publishers' claims of post-secondary institutions' destruction of Canada's creative literary sector.



“Canadian creators....must be compensated when their work is copied by the educational sector.”



“Fix the Copyright Act, restore fair compensation, and stop great Canadian content from disappearing.”

“I’m a novelist and short story writer. The cheque I would receive annually....has plummeted.”

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acp
association of
CANADIAN
PUBLISHERS 

Background

Prompted by the question “How much Canadian **creative content** do universities actually use in teaching and learning?”

That is too big a project. So we narrowed it down to:

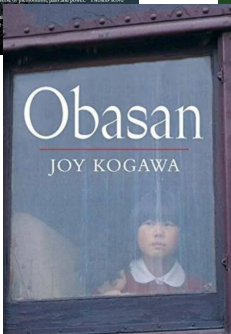
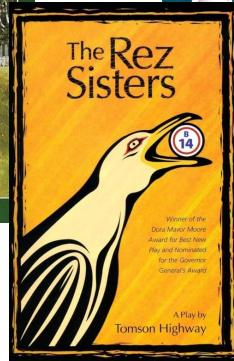
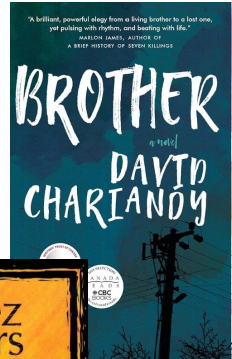
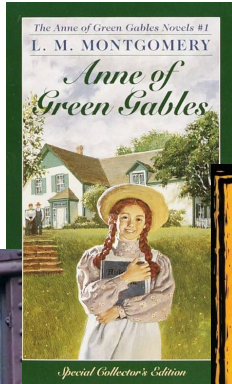
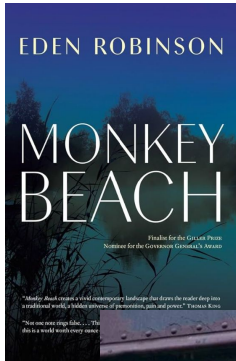
“How much Canadian creative content is used at SFU in teaching?”.

“Was use of Canadian content so substantial as to result in significant remuneration for the copying of an author’s work?”

Note: we didn’t just ask
“how much is copied?” but
“how much is used?”

Methodology - definitions

Creative works are defined as novels, short stories, poetry, plays, and collections or anthologies of any of these.



Canadian creative works are defined as

1. Creative works which were written by someone who was born or lived in Canada and/or is generally known as a “Canadian author;”
2. Creative works which were published by members of the Association of Canadian Publishers (ACP); and,
3. In the case of anthologies or collections, works consisting primarily (i.e., 50% + 1) of Creative works by Canadian authors and/or which were published by ACP members.

Images: covers of *Monkey Beach* by Eden Robinson; *Anne of Green Gables* by L.M. Montgomery; *Brother* by David Chariandy; *Obasan* by Joy Kogawa; *The Rez Sisters* by Tomson Highway. Used under fair dealing for the purpose of education.

Methodology - data sources and limitations

Data sources for 2010-2012 and 2018-2022:

1. Textbooks (assigned books made available for purchase through the Bookstore)
2. Course packs (assigned readings compiled and provided by the Bookstore)
3. Library reserves (assigned readings placed on course reserve by the Library)

Limitations:

- Missing some textbook data from the 2010-2012 period
- LMS content not included
- Not looking at fair dealing or licensing

Acknowledgements

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- Caprice
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- Tomi

SFU Bookstore staff

SFU Library Access Services (Reserves) staff

SFU Institutional Research and Planning

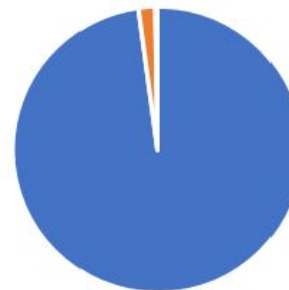


Findings - Reserves Data

Course Reserves Data 2010-2012. Semesterly Averages

Average number of courses ordering reserves	505
Average number of courses ordering reserves with creative works	18
Average number of courses ordering reserves with Canadian creative works	5

Average number of items ordered for reserves	3485
Average number of creative work items on reserve	68
Average number of Canadian creative work items on reserve	9

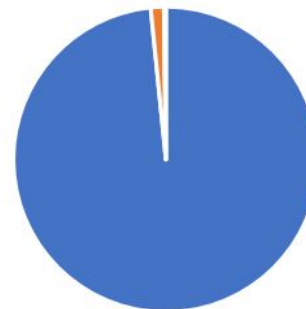


Findings - Reserves Data

Course Reserves Data 2018-2022. Semesterly Averages

Average number of courses ordering reserves	237	-53%
Average number of courses ordering reserves with creative works	6	-67%
Average number of courses ordering reserves with Canadian creative works	1.5	-70%

Average number of items ordered for reserves	1324	-62%
Average number of creative work items on reserve	19	-72%
Average number of Canadian creative work items on reserve	3	-33%



Findings - Course Pack Data

Course Pack Data 2010-2012. Semesterly Averages

Average number of courses ordering course packs	48
Average number of courses ordering course packs with creative works	5
Average number of courses ordering course packs with Canadian creative works	1

Average number of items copied for course packs	1597
Average number of creative work items copied for course packs	61
Average number of Canadian creative work items copied for course packs	3



Findings - Course Pack Data

Course Pack Data 2018-2022. Semesterly Averages

Average number of courses ordering course packs	11	-77%
Average number of courses ordering course packs with creative works	0.3	-94%
Average number of courses ordering course packs with Canadian creative works	0.07	-93%

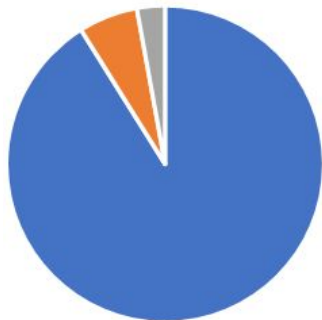
Average number of items copied for course packs	174	-89%
Average number of creative work items copied for course packs	0.6	-99%
Average number of Canadian creative work items copied for course packs	0.07	-98%



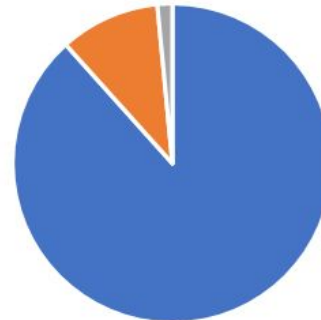
Findings - Textbook Data

Text Book Data 2011-2012. Semesterly Averages

Average number of courses ordering textbooks	1398
Average number of courses ordering creative works as textbook	93
Average number of courses ordering Canadian creative works as textbook	44



Average number of texts ordered	2721
Average number of creative work texts ordered	312
Average number of Canadian creative work texts ordered	47



Findings - Textbook Data

Text Book Data 2018-2022. Semesterly Averages

Average number of courses ordering textbooks	766	-45%
Average number of courses ordering creative works as textbook	59	-37%
Average number of courses ordering Canadian creative works as textbook	16	-64%

Average number of texts ordered	1562	-43%
Average number of creative work texts ordered	177	-43%
Average number of Canadian creative work texts ordered	21	-55%



Findings - Some more numbers

Copying of Canadian creative works only occurred in course packs.

Very few courses used these works.

2010 - 2 course packs out of 58

2011 - 5 course packs out of 189

2012 - 2 course packs out of 188

2018-2022: 1 course pack / 156

Access Copyright Payments*

Year	Per student rate cost	Course pack fees	Total
2009	\$59,517.00	\$301,815.00	\$361,332.00
2010	\$64,231.00	\$259,720.00	\$323,951.00
2011	\$66,510.00	\$231,966.00	\$298,476.00

*Does not include Online & Distance Education payments.

About 15% of creative works requested were Cdn creative works.

Takeaways

- SFU courses are just not using very much Canadian literature.
 - 6% of assigned works were creative and 15% of the assigned creative works were Canadian across both periods. **This means that 0.8% of all assigned works were Canadian creative works.**
 - 30% of courses assigning creative works assigned Canadian creative works in 2010-2012 while 25% of courses assigning creative works assigned Canadian works in 2018-2022.
- Is this generalizable or comparable to other institutions?

A 2018 analysis of Canadian literature content in UBC Library's print collections found that 8% of holdings were literature and ¼ of those were Canadian (source: [Universities Canada, The changing landscape of Canadian copyright and universities \(2018\)](#)).

Takeaways

Access Copyright payments to Canadian literature authors were likely coming from the Payback program and not necessarily from actual use of their work in post-secondaries.

Payback:

- 15% of all available revenue plus 40% of “non-title specific royalties” is shared among all members.
- The other 60% of “non-title specific royalties” is shared among eligible Payback applicants in individual amounts depending on publication type, number of pages/images, and age of publication (source: https://www.accesscopyright.ca/media/1346/english_payback_faqs.pdf).

Yet for ten years and counting, Canadian creators and publishers have not been paid when educational institutions outside of Quebec copy their work.

TORONTO [August 3, 2023] – For over ten years now, since an undefined education category was added under fair dealing in the *Copyright Act*, Canadian creators and publishers have been deprived of over \$200 million and counting in earned royalties by elementary and secondary schools, universities and colleges.

In TWUC’s 2024 Pre-Budget submission to the federal government, we included this recommendation:
That the government immediately amend the Copyright Act to repair the damage to the cultural economy from unregulated educational copying of published works.

Future research possibilities

- Separate copied works into library licensed, openly licensed, public domain, fair dealing, and transactionally licensed.
- Sample files assigned through the LMS, and/or survey instructors about their use of the LMS.
- Share our methodology with others and compare our data to findings at other post-secondaries.



Questions?

Thank you!

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