



TRENT UNIVERSITY FACULTY ASSOCIATION
(TUFA)

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June 12, 2012

Dr. Steven E. Franklin,
President & Vice-Chancellor
Trent University

Dear Steven:

We are writing to urge that Trent join those universities across Canada taking a principled stand in defence of the legitimate use of intellectual property by academics and students and reject the proposed licensing agreement with Access Copyright. We do not believe that signing this agreement on behalf of Trent is in the best interest of our university. We urge you to follow the motion adopted at the May Senate meeting and not sign the proposed agreement.

Our concerns with the Access Copyright agreement are twofold. First, we do not accept that it is a sound or reasonable practice to allow the institution to be billed for materials for which an access fee has already been paid, or which should carry no charges at all. In addition to "double dipping" with respect to many of the Library's existing subscriptions, the agreement would recognize costs for linking to materials online that the courts have already rejected. Second, and as importantly, we believe that the proposed agreement introduces unacceptable restraints on academic communications: specifically, the policing of the agreement suggests the need for surveillance while the terms of the agreement restrain typical and necessary scholarly activities as described in the CAUT's backgrounder (available at www.caut.ca/pages.asp?page=1079).

The backgrounder examines myriad problems with the proposed arrangement and we note with particular concern the CAUT's cautions about the coercive implications of Section 5(d) of the proposed agreement which "provides that if the institution does not renew the license it must prevent access to all copies made while the license was in place." We understand that there may be some thought given to entering the contract


now and not renewing in the future, but the design of the agreement would make that an expensive option.

TUFA will vigorously resist any new practices following from the Access Copyright agreement that adversely affect our members' academic freedom and other conditions of employment as protected by the collective agreement or established by long-standing practice.

On a final note, we were struck by the principled clarity brought to this issue by Trent's students and see in Trent's rejection of the Access Copyright deal an opportunity to work together (students, administration, and faculty), as the TCSA suggests, to "endeavour to make any reasonable solution, other than the model agreement, more feasible for the University to implement." At a time when the University needs to find better ways to operate and to use wisely its limited financial resources, there are prospects here to make a decision that can simultaneously protect the institution from unreasonable external impositions while strengthening the Trent University community from within.

We look forward to hearing from you and addressing the issues resulting from the changes in copyright legislation.

Sincerely,

A handwritten signature in cursive script that reads "David Newhouse".

David Newhouse,
President