

**File: Access Copyright Post-Secondary Educational Institution Tariff, 2011-2013
(the “Tariff”)**

Interrogatories

From: Access Copyright, The Canadian Copyright Licensing Agency

To: Association of Universities and Colleges of Canada (the “Objector”), and each of its member institutions

Date: March 21, 2011

Instructions: Please note the following before replying to these interrogatories:

Access Copyright understands that the scope of some of these interrogatories may be onerous on the Objector and the Institutions. Unfortunately, only you have the full information about the ways in which Institutions use and copy Published Works. This information is critical to valuing a fair and reasonable royalty rate for the copying of Published Works by post-secondary Educational Institutions. Access Copyright invites you, at your earliest convenience, to contact us to discuss how we might arrive at a solution to any such issues that will be ultimately less onerous on the Objector, the Institutions and Access Copyright.

Any request for "documentation" or “information” includes any document or information of any kind and in any form, including any correspondence, memorandum, book, plan, drawing, diagram, pictorial or graphic work, photograph, film, microform, sound recording, videotape, database, machine readable record, and any other documentary material, regardless of physical form or characteristics, and any copy or portion thereof, and, without restricting the generality thereof, but for better illustration, the following types of documents: reports, charts, contracts, agreements, arrangements, legislation, minutes, books, logs, diaries, agenda, memoranda, letters, draft documents, studies, tests, reports, notes, correspondence, position papers, brochures, policies, directives, management briefings, facsimile transmissions, inter and/or intra corporate or institutional reports and directives, and other records, including records electronically created or stored in any system of manual or electronic data processing system, or by any information storing devices; and includes any information within the knowledge of the Objectors.

Access Copyright recognizes that the Objector may wish to claim confidentiality for some of the information requested hereunder, and will not oppose any reasonable requests for such treatment.

Any interrogatory that refers to a Published Work includes the whole and/or part of a literary, dramatic or artistic work.

Part A contains those questions that require a response by the Objector. Part B requires a response by each AUCC Institution.

Every Institution represented by the AUCC must answer the questions in Part B, either directly or via the AUCC. If the AUCC provides answers to the questions in Part B on behalf of an Institution, the answers given by the AUCC are binding on each such Institution.

For any interrogatory that references a Year, if the only information relevant to the interrogatory is available based on the Academic Year, please provide the information based on the Academic Year.

Unless otherwise noted below, please submit the AUCC's answers and all documentation and information in electronic format. Where the information exists in electronic format, please provide it in that format or a format that it easier to process (i.e., please do not convert a spreadsheet into pdf). Where the AUCC asserts that the information is not available in the format requested, please provide the next best information that is available. Where documentation or information is not available for the full period for which it is requested, please provide as much information as is available and explain why the documentation or information is not available.

Definitions: In these interrogatories, the following definitions apply:

“Academic Year” means the twelve-month period from September 1 to August 31.

“Authorized Person” means:

- (a) a Student; or
- (b) a Staff Member.

“Copy” means any reproduction, in any material form whatever, including a Digital Copy, that is made by or as a consequence of any of the following activities:

- (a) reproducing by a reprographic process including reproduction by photocopying and xerography;
- (b) scanning a paper copy to make a Digital Copy;
- (c) printing a Digital Copy;
- (d) transmission by electronic mail;
- (e) transmission by facsimile;
- (f) storage of a Digital Copy on a local storage device or medium;
- (g) posting or uploading a Digital Copy to a Secure Network or storing a Digital Copy on a Secure Network;
- (h) transmitting a Digital Copy from a Secure Network and storing it on a local storage device or medium;
- (i) projecting an image using a computer or other device;
- (j) displaying a Digital Copy on a computer or other device; and
- (k) posting a link or hyperlink to a Digital Copy.

“Copying” means making a Copy.

“Course Collection” means, for use by an Authorized Person as part of a Course of Study, and whether for required or recommended reading for the Course of Study or otherwise:

- (a) assembled paper Copies of Published Works; or

(b) Digital Copies of Published Works that are:

- (i) emailed, linked or hyperlinked to; or
- (ii) posted, uploaded to, or stored, on a Secure Network.

“Course of Study” means a course or unit of academic, continuing, professional, or vocational study administered or hosted by the Educational Institution.

“Digital Copy” means a reproduction in any digital form including optical or electronic format.

“Educational Institution” means an institution located in Canada (except in the Province of Quebec) that provides post-secondary, continuing, professional, or vocational education or training.

“Full-time-equivalent Student” means a full-time Student or the equivalent of one full-time Student of the Educational Institution.

“FTE Determination Date” means the date as of which the number of Full-time-equivalent Students is calculated for any given Academic Year.

“Library” means an entity managed by an institution, or a faculty, department or other business unit of an institution, including departmental study or reading rooms, that provide a collection of Published Works available for use by Students and/or Staff Members.

“Musical Work” means any work of music or musical composition, with or without words, and includes any compilation thereof.

“Published Work” means a literary, dramatic or artistic work protected by copyright in Canada, of which copies have been made available to the public with the consent or acquiescence of the copyright owner, but excludes a Musical Work.

“Secure Network” means a network that is operated by the Educational Institution, or for the Educational Institution, and which is only accessible by an Authorized Person who is approved by the Educational Institution by means of a process of authentication which, at the time of login, identifies the user as an Authorized Person, whether by user name and password or by some other equally secure method.

“Staff Member” means, in respect of an Educational Institution:

- (a) an instructor, lecturer or sessional lecturer;
- (b) an assistant, associate, full, visiting, replacement or seconded professor;
- (c) a teaching or research assistant, tutor, or fellow;
- (d) a demonstrator, proctor, invigilator, or marker;
- (e) a librarian or library assistant;
- (f) a lab monitor, clinical instructor or clinician;

(g) a counsellor;

(h) an academic administrator;

(i) administrative support staff for any of the above positions; or

(j) any other person in an essentially comparable position to those listed above.

“Student” means a person engaged in a Course of Study.

“University” means an Educational Institution that:

(a) is specifically recognized as a “university” under Canadian law;

(b) is accepted as a member institution of the Association of Universities and Colleges of Canada;

(c) is accredited as a university by a recognized accreditation body; or

(d) has 50% or more of its Students enrolled in degree programs requiring three or more years of full-time study.

“Year” means a calendar year.

A: QUESTIONS TO BE ANSWERED BY THE OBJECTOR

1. Provide the name of the person completing these interrogatories, and the name, job title, telephone number, facsimile number and email address of all individual(s) responsible for the preparation and filing of the responses to these interrogatories. For each such individual, please also describe the individual's authority to answer these interrogatories on behalf of the Objector.
2. Identify all members of the Objector (each, a "Member").
3. Identify all parties that the Objector represents in the Tariff (each, an "Institution").
4. For each Institution, confirm whether the Institution is a University.
5. Confirm that the Objector's answers to these interrogatories are binding on each Institution. If the Objector's answer to interrogatory 3 includes Yellowhead Tribal College, Ambrose University College, St. Mary's University College, British Columbia Institute of Technology, Capilano University, Justice Institute of British Columbia, Emily Carr University of Art & Design, Kwantlen Polytechnic University, Nicola Valley Institute of Technology, University of the Fraser Valley or Vancouver Island University: (a) confirm that the Objector's responses to these interrogatories are binding upon each such Institution; and (b) explain how the Objector can represent such institution if such institution is also represented either individually, or by the BC Association of Institutes and Universities, as applicable.
6. Provide the Objector's governing documents, including, as applicable, its articles of incorporation or Letters Patent and its mandate.
7. Has the Objector or anyone acting at its request or on its behalf conducted any studies, analyses or inquiries to measure the amount, nature or value of the Copying of Published Works by Educational Institutions, Students and/or Staff Members? If yes, provide all information, a copy of any such study, analysis or inquiry and all related documentation. Please include any and all international studies, analyses or inquiries.
8. Does the Objector have any documentation or information in addition to that provided in response to interrogatory 7 with respect to the amount, nature or value of the Copying of Published Works by Educational Institutions, Students and/or Staff Members? If yes, provide all information and copies of all such documentation. Please include any and all international studies, analyses or inquiries.
9. Has the Objector used the services of any expert to measure, analyze or review the amount, nature or value of the Copying of Published Works by Educational Institutions, Students and/or Staff Members? If yes, please provide the name of the expert, any reports generated by the expert and all related documentation. Please include any and all international studies, analyses or inquiries.
10. Provide all documentation, including all internal documentation and documentation between the Objector, its Members, and/or an Institution, in any way related or relevant to the Tariff or the Interim Tariff including that related to the Copying of Published Works, Access Copyright, copyright, fair dealing, academic freedom, coursepacks, the Institutions prior licence(s) with Access Copyright, royalty rates for the Copying of Published Works, privacy and freedom of expression.

11. Provide the Objector's understanding or definition of "open access" works and describe their intended and actual use in Educational Institutions. Provide any information or documentation relating to "open access" works, and the use of these materials in Educational Institutions.

12. If not already provided, provide a copy of the correspondence, memorandum and/or questionnaire from the AUCC to Institutions dated on or about December 1, 2009, and any and all related documentation, including any drafts, every response received, and all related reports and analyses.

B. QUESTIONS TO BE ANSWERED BY THE INSTITUTIONS

Each Institution is to provide its answers to Part B, either directly or via the AUCC.

13. Identify the name of the Institution completing Part B.

14. Provide the name and job title of the person completing the interrogatories in Part B, and describe the individual's authority to answer these interrogatories on behalf of the Institution.

15. Provide the Institution's revenues and operating expenses each Year from 2008 and budget for the current Year.

16. Provide the Institution's budget, and its actual expenses for the payment of fees under the previous Access Copyright licence and the Interim Tariff, the acquisition and/or licensing of books, periodicals and electronic subscriptions, and all other permissions/licences for the use of Published Works.

17. Does the Institution charge fees to Students, Staff Members or otherwise for the Copying of Published Works? If yes, please describe the fees charged, whether the fees include copyright royalties, how and when the fees are charged and who pays the fees.

18. Provide a list and the amount of all fees, including ancillary and tuition fees, charged to Students by the Institution each Year from 2008.

(i) Calculation of Royalties

19. Provide the number of Full-time-equivalent Students at the institution as of January 1, 2011.

20. Explain how the Institution calculates a Full-time-equivalent Student.

21. Provide the Institution's FTE Determination Date for 2011.

22. Does the Institution, or anyone authorized by the Institution, make Copies of Published Works? Please describe who at the Institution makes Copies of Published Works and every way in which those Copies are made with reference to the activities identified in the definition of "Copy".

23. If not already provided in answer to question 22, do Staff Members of the Institution make Copies of Published Works? Please describe every way in which those Copies are made with reference to the activities identified in the definition of "Copy".

24. If not already provided in answer to question 22, do Students at the Institution make Copies of Published Works? Please describe every way in which those Copies are made with reference to the activities identified in the definition of “Copy”.

25. Provide any documentation from the Institution to its Staff Members regarding the Copying of Published Works, including policies, directives, contracts of employment or contracts for services.

26. Provide any documentation from the Institution to its Students regarding the Copying of Published Works.

27. Provide the Institution’s understanding or definition of “open access” works and describe the use of “open access” materials in and by the Institution. Provide any related information and documentation.

(ii) Infrastructure

28. Does your Institution own, lease or otherwise use any equipment that can make a Copy of a Published Work, including photocopiers, scanners, printers, projectors, document cameras, white boards, computers or servers? If yes, please identify each type of equipment, the number owned or leased by the Institution, the location of each type of equipment and describe how it is used to make a Copy of a Published Work.

29. Provide any and all documentation regarding the number of Copies made and number of Published Works Copied on each type of equipment. Provide all data and documentation available for each Year from 2008.

30. List and describe each type of equipment that makes ephemeral and/or temporary Copies of Published Works.

31. Provide all annual meter readings for each photocopier owned, leased or used by the Institution for each Year from 2008. Meter readings should be provided for the beginning and end of each Year.

32. If not already provided, provide all documentation between the Institution, Staff Members and Students relating to the use of each type of equipment from 2008 with respect to Copying and/or Published works.

(iii) Central Copying Facilities

33. Does the Institution have or control any centralized Copying facilities, including coursepack production centres, bookstores and scanning stations, whether centralized by faculty, department, institution or otherwise? If yes, describe and provide the following for each facility:

- a. The location;
- b. The number of Students and Staff Members serviced; and
- c. The list of services provided.

34. Is the Copying and/or Copying of Published Works at the central Copying facilities tracked by the Institution or otherwise? If yes, provide:
- a. the number of Copies and total pages of Copies made each Year from 2008;
 - b. the number of Copies of Published Works and total pages of Copies of Published Works made each Year from 2008; and
 - c. all information and documentation relating to the Copying of Published Works at each facility.
35. Does the central Copying facility store Digital Copies of Published Works? If yes, please describe and provide a list of all such Published Works.
36. Provide the budget, revenue and operating expenses, including labour costs, for each Copying facility each Year from 2008.
37. Does the Institution use or contract with any external or third party copy shops, bookstores, print shops or printers for the Copying of Published Works? If yes, provide the names and locations for each such external or third party copy shop, print shop or printer.
38. Is the Institution aware of any other external or third party copy shops, bookstores, print shops or printers that Copy Published Works for use in (a) Course(s) of Study? If yes, provide the names and locations for each external or third party copy shop, print shop or printer.
39. Provide all contracts, agreements, instructions, policies and/or communications given or relied on by the Institution to any external or third party copy shop regarding the Copying of Published Works.
40. Does the Institution currently or plan to subcontract any of its rights and/or obligations under the Proposed Tariff? If yes, please describe.
41. If not already provided, provide all requests received by central Copying facilities to digitize Published Works sent from Students and/or Staff Members received from 2008.
42. If not already provided or to be provided under the Access Copyright Interim Post-Secondary Educational Institution Tariff, 2011-2013, provide all eLogs for all coursepacks made by or on behalf of the Institution starting January 1, 2011.

(iv) *Libraries*

43. Does the Institution have a Library? If yes, provide a list of all Libraries of the Institution, including main or central libraries, branch or independent Libraries and departmental study or reading rooms.
44. Identify and describe all the ways that Published Works in the Libraries' holdings are accessible by Students and Staff Members (e.g. through Library computers, remotely through a Secure Network, through Library databases, ebrary, MyiLibrary, third party databases, etc.).

45. Provide any documentation or data relating to the volume of document delivery and interlibrary loan services, including fees paid for photocopies, facsimile transmission, royalties and access fees, and digitization requests from Students and/or Staff Members.

46. Does the Institution provide Library reserve services, for paper or digital/electronic reserve, for Courses of Study? If yes,

- a. Describe the procedure for placing Published Works on paper or digital/electronic reserve.
- b. Describe how Staff Members and Students can access Published Works placed on paper or digital/electronic reserve.
- c. If for digital/electronic reserve, advise whether there are restrictions on the number of simultaneous users and/or the frequency of access. Please describe.
- d. Provide any documentation, policies or agreements relating to placing Published Works on reserve. Explain how the policy or agreement is administered by the Institution, including how the Institution controls, monitors and enforces the agreement or policy, and the title of the Staff Member(s) responsible for doing so.

47. For paper reserves, provide the number and a list of all Copies of Published Works placed on Library reserve (a) for the Year 2010 and (b) from January 1, 2011 to the date of answering these interrogatories.

48. Other than already provided, does the Library provide Published Works by email or otherwise over the internet or intranet? If yes, provide:

- a. the number of Published Works provided by email or otherwise over the internet or intranet each Year from 2008;
- b. the number of recipients of such emails; and
- c. all documentation relating to the provision of Published Works by the Library to Students, Staff Members or non-Authorized Persons by email, an intranet or internet.

49. Provide all documentation related to Copying services provided by or within the Library, such as number of photocopiers, number of Copies made by Students, and number of Copies made by Staff Members.

50. Provide any and all Library documentation, correspondence and notices, relating to the use of Published Works, licensed databases, access, copyright, fair dealing, Copying, privacy and academic freedom.

51. Provide any survey results, data, statistics, reports and anything similar regarding the use or Copying of Published Works, individually or in the aggregate, by Students and/or Staff Members from January 1, 2008. Reports may include any MINES reports (e.g. Impact of Networked Electronic Services), Project COUNTER and Association of Research Library reports, or reports from consortia (Gibson Library, Scholars Portal, CRKN, ebrary), MARC records,

CELArc, or direct from publishers, or compiled by the Institution itself. Reports may pertain to the purpose of the use, pages viewed, pages printed, pages downloaded, etc.

52. Can Published Works be uploaded, downloaded, streamed, archived, pasted, embedded, linked, stored, saved or otherwise Copied on a Secure Network through the Institution's Library collections in any other way than already described in these interrogatories? If yes, please describe all the ways in which a Published Work from the Institution's Library collection may be Copied on to a Secure Network, and all related documentation, policies and agreements.

53. Provide the overall budget, revenues and operating expenses the Institution's Libraries. If not provided in the overall budget, provide a breakdown of the Libraries' budget and expenses for the purchase of Published Works and the purchase of permissions to access, use or Copy Published Works for each Year from 2008.

(v) *Technology*

Course Management Systems

54. Where does the Institution store Published Works and Copies of Published Works?

55. Does the Institution have or use course management systems (examples include Blackboard, Desire 2 Learn, WebCT, Moodle, Sakai, Learning Management Systems (LMS), Virtual Learning Environments (VLE) and Enterprise Content Management (ECM), any system(s) used for the delivery of distance education and any proprietary software of the Institution)?

56. Provide the business name(s) and version(s) of the course management system(s) used by the Institution and the name that is used to refer to each course management system used by the Institution, if different from its business name.

57. Describe the storage architecture used in the case of the course management system(s). For example, are any of the following used and, if so, to what end: hard drives dedicated to the CMS server; network attached storage; remote/cloud-based storage systems. Describe where the storage architecture is located.

58. Please describe how the course management system works. Describe the workflow used to add an item to the course management system, to modify an item, and to access an item.

59. Can items placed on digital/electronic reserve be accessed through the Institution(s) course management system(s)? If yes, please describe.

60. Provide the original purchase or licence fee for the course management system(s) and the annual operating expenses for the last five Years (including labour costs).

61. Provide all documentation, including agreements, between the Institution and the course management system provider, regarding copyright and/or Published Works.

62. Provide all documentation, including policies or directives, to Students and/or Staff Members regarding copyright and/or Published Works and the use of the course management system(s).

63. Provide the number of Staff Members and Students that had/have access to the course management system(s) each Year from 2008.
64. Is a reproduction created when a document is uploaded, downloaded, streamed, archived, pasted, embedded, stored, saved or linked to or by the course management system?
65. If a reproduction is created by the course management system(s), where is that reproduction stored? Please describe the process by which the course management system makes and stores a reproduction.
66. Does the course management system(s) have reporting capabilities? If yes, please describe all reporting capabilities of the course management system(s) that relate to Published Works uploaded, downloaded, streamed, archived, pasted, embedded, stored, saved or linked to or by, and provide all reports relating to Published Works that can be generated by the course management system(s).
67. If not already provided in response to 66, provide any and all documentation, including data and statistics that the Institution has, or can generate, whether by Course of Study or otherwise, regarding the number of Copies of Published Works on the course management system(s) starting from 2008. For example, various software applications may refer to such data as “Statistics Tracking”, “Course Statistics”, “Administration Reports”, “Activity Reports” or “Review Status”.
68. If not already provided in response to 66, provide any and all documentation, including data and statistics that the Institution has, or can generate, regarding the number of Authorized Persons that have, whether by Course of Study or otherwise, used, viewed, accessed or Copied Published Works on the course management system(s) for each Year starting from 2008. For example, some course management software may refer to such data as “Statistics Tracking”, “Course Statistics”, “Administration Reports”, “Activity Reports” or “Review Status”.
69. What tools can Staff Members use to upload, download, stream, archive, paste, embed, store, save and/or link to Published Works? What roles or permissions are involved in doing so, or can be assigned afterwards? Please describe the process for a Staff Member and roles or permissions assigned to Staff Members to upload, download, stream, archive, paste, embed, store, save or link to Published Works on a course management system(s).
70. Do(es) the course management system(s) allow Students to upload, download, stream, archive, paste, embed, store, save or link to Published Works? If yes, (a) what tools can Students use to upload, download, stream, archive, paste, embed, store, save and/or link to Published Works?; and (b) what roles or permissions are involved in doing so, or can be assigned afterwards? Please describe the process for a Student and roles or permissions assigned to Students to upload, download, stream, archive, paste, embed, store, save or link to content on a course management system(s).
71. Through what platforms can a user access the course management system(s)? Can they be accessed via a mobile device? If so, what features in the mobile device related to the management of Published Works differ from the non-mobile counterpart?
72. Provide a copy of every Published Work Copied on the course management system as of March 31, 2011. If the information is not easily extractable, please provide a copy of the system backup or archive that includes the Copies of Published Works as of March 31, 2011. Note:

Access Copyright is only interested in the Published Works on the system and is willing to discuss a mechanism to protect the confidentiality or privacy of any other documentation or information.

E-Reserve and Library Systems

73. Does the Institution have or use an electronic reserve (“e-reserves”) system and/or another Library management system that makes Published Works available to Students and/or Staff Members? If yes, please provide the business name(s) of the software and the name that is used to refer to it by the Institution, if different from its business name.
74. If not already provided, describe the storage architecture used in the case of the e-reserve and/or digital Library management system. For example, are any of the following used and, if so, to what end: hard drives dedicated to the e-reserve and/or digital Library management system; server; network attached storage; remote/cloud-based storage systems. Describe where the storage architecture is located.
75. Please describe how the e-reserve and/or digital Library management system works. Describe the workflow used to add an item to the e-reserve, modify an item, and access an item.
76. Is the course management system integrated with the Institution’s e-reserve or digital Library management system? If yes, explain how these systems are integrated. Specifically: a) Where does the user authenticate? b) Describe if documents are stored on the course management system, the e-reserve system, or both.
77. Provide the original purchase price or licence fee for the e-reserve and or digital Library management system. For each Year from 2008, provide the annual costs of the e-reserve and/or Library management system, including licensing fees, and the annual costs related to its management, such as staff etc.
78. How many Staff Members, Students and others had/have access to the e-reserve or digital Library management system each Year from 2008?
79. Is a reproduction created when a document is uploaded, downloaded, streamed, archived, pasted, embedded, stored, saved or linked to or by the e-reserve system or digital Library management system?
80. If a reproduction is created by the e-reserve or Library management system, where is that reproduction stored? Please describe the process by which the e-reserve or Library management system makes and stores a reproduction.
81. Through what platforms can a user access e-reserve and/or digital Library management system(s)? Can they be accessed via a mobile device? If so, what features related to the management of Published Works differ from the non-mobile counterpart?
82. Provide a copy of every Published Work Copied on the e-reserve and/or Library management system as of March 31, 2011. If the information is not easily extractable, please provide a copy of the system backup or archive that includes the Copies of Published Works as of March 31, 2011. Note: Access Copyright is only interested in the Published Works on the system and is willing to discuss a mechanism to protect the confidentiality or privacy of any other documentation or information.

83. Does the e-reserve and/or digital Library management system(s) have reporting capabilities? If yes, please describe all reporting capabilities of e-reserve and/or digital Library management system(s) that relate to Published Works uploaded, downloaded, streamed, archived, pasted, embedded, stored, saved or linked to or by the e-reserve and/or digital Library management system(s).

84. Provide any and all documentation, including data and statistics, that the Institution has, or can generate, regarding the number of Copies of Published Works on the e-reserve or digital Library management system.

85. Provide any and all information and documentation, including data and statistics, that the Institution has, or can generate, regarding the number of Authorized Persons that have used, accessed or Copied Published Works on or from the e-reserve or digital Library management system.

86. Provide all documentation and agreements between the Institution and the e-reserve and/or digital Library management system providers regarding copyright and/or Published Works.

87. If not already provided, provide all licences, contracts and/or agreements with any platform providers or consortia such as ebrary, MyiLibrary, Yankee Book Pedlar and CRKN that were in effect from 2008.

88. Explain how the Institution enforces the terms of the agreements provided in answer to interrogatories 86 and 87 with respect to the use of Published Works, including how the Institution enforces and/or controls any restrictions on simultaneous users.

Technology General

89. Other than already provided, provide every agreement and policy relating to the Institution's information technology infrastructure that is between the Institution and its Staff Members and/or Students that refer to copyright, privacy, confidentiality and/or Access Copyright.

90. What partnerships and/or consortia are in place now, have been in place in the past, or are planned at your institution (if any), with respect to course management system(s) and e-reserve/digital Library management system(s)?

91. Does anyone on behalf of the Institution review the content that is uploaded downloaded, streamed, archived, embedded, stored, saved, pasted and/or linked by Staff Members and/or Students (or otherwise) to the course management, e-reserve and/or digital Library management system(s) for: (a) copyright clearance; (b) compliance with the institution's copyright policy(ies); or (c) otherwise track or monitor the content? If yes, please provide the title of that person(s) or department and describe how the content is reviewed and/or tracked.

92. What efficiencies, including costs, labour and/or time savings, has your institution realized with the implementations of its course management and/or e-reserve or digital Library management systems? Provide all documentation regarding the implementation of the system(s) and any related efficiencies.

93. Provide the Institution's overall technology budget and operating expenses for its course management system(s), and e-reserve system(s).

94. Does each course management system, e-reserve and digital library management system fit within the definition of Secure Network? If not, explain how each system does not fit within the definition.

95. Do any Staff Members Copy Published Works on networks that are not Secure Networks? If yes, does the Institution authorize such Copying?

96. Identify and describe all other ways in which the Institution, Staff Members and Students make and/or store Copies of Published Works.

(vi) *Electronic mail*

97. Does every Student and/or Staff Member at the Institution get an Institution-email account? If not, describe how many and which Students and/or Staff Members get an email account. If no Student or Staff Member gets an email account, please advise.

98. Does the Institution have a dedicated email server(s)?

99. Is a reproduction created when a document is uploaded, downloaded, streamed, archived, pasted, embedded, stored, saved or linked to, by or from the email server?

100. If a reproduction is created by the email server or system, where is that reproduction stored? Please describe the process by which the email server or system makes and stores a reproduction.

101. Are Copies of Published Works stored on the Institution's email server(s)?

102. Do Students and/or Staff Members of the Institution email Published Works?

103. Does the Institution monitor or track the transmission of Published Works over email? Please describe.

104. Provide all agreements and policies between the Institution and Staff Members and Students relating to the use of electronic mail services by Staff Members and Students that relate to copyright, privacy and confidentiality.

(vii) *Published Works and Courses of Study*

105. How many Courses of Study were available to Students each Year at the Institution from 2008? Provide all documentation in support of the Institution's answer.

106. For each Course of Study made available to Students each Year at the Institution from January 1, 2008 to the date of submission of these interrogatories, provide the following, along with all documentation in support of the answers:

- a. Course of Study name
- b. Course of Study code

- c. Term start and end date
- d. The number of Students enrolled in the Course of Study
- e. The course outline and/or course syllabus, or any listing or documentation of required or recommended Published Works given to Students
- f. The number of Published Works Copied
- g. The number of Staff Members participating in the Course of Study

107. For each Course of Study, advise whether additional Published Works that are not on the course outline were emailed, posted or otherwise Copied by a Staff Member or Student for the Course of Study. If yes, provide a list and a Copy of each such Published Work.

108. For each Course of Study made available by the Institution to Students each Year from January 1, 2008 to the date of submission of these interrogatories, provide a Copy of each Published Work Copied.

109. For each Published Work identified in answer to interrogatory 108:

- a. Provide the ISBN/ISSN;
- b. Provide the title, article and chapter (as applicable);
- c. Provide the publication Year or Volume Number (if applicable);
- d. Provide the author(s) of Book/Chapter/Article (as applicable);
- e. Provide the publisher name;
- f. Provide the number of pages Copied or made available;
- g. Identify how each Published Work was used by, Copied by or for, and/or made available to Students and/or Staff Members. For example, these uses could include handout, purchase of a paper Course Collection, purchase of original published work, uploading or otherwise onto a course management system, e-Reserve or digital Library management system, emailed to Students, by linking or hyperlinking, through a Secure Network, by posting, uploading or storage, or some other method (please describe);
- h. Identify whether the Published Work was required or recommended; and
- i. Identify whether the reproduction or use of the Published Work was licensed directly from the copyright owner, a content aggregator, a distributor, a media monitoring or press clipping service or some other source (specify).

For ease of answering, please use the chart appended to these interrogatories as Appendix "A".

(viii) *Permissions*

110. What procedures did the Institution have in place to obtain permission to make Copies of Published Works prior to December 31, 2010? Provide all information and documentation, including policies.

111. What procedures does the Institution have in place since January 1, 2011 to obtain permission to make Copies of Published Works? Provide all information and documentation, including policies.

112. How many full-time-equivalent staff does the Institution currently employ to administer the Interim Tariff? Provide their combined salaries for 2011.

113. How many full-time-equivalent staff does the Institution currently employ to clear and manage copyright permissions for Published Works outside of the Interim Tariff? Provide their combined salaries for 2011.

114. How many full-time-equivalent staff did the Institution employ to administer the previous Access Copyright licence each Year from 2008 to 2010? Provide their combined salaries for each Year from 2008-2010.

115. How many full-time-equivalent staff did the Institution employ to administer the clear and manage copyright permissions for Published Works outside of the previous Access Copyright licence each Year from 2008 to 2010? Provide their combined salaries for each Year from 2008-2010.

116. Explain all the ways that a Staff Member obtains and/or clears permission to Copy a Published Work from the rightsholder or its agent.

117. Identify all tasks associated with obtaining and/or clearing permission to Copy a Published Work from a rightsholder or its agent.

118. Provide the estimated time incurred per transaction, or as otherwise available, when obtaining and/or clearing permission to Copy a Published Work from a rightsholder or its agent for the following (if the activities are performed simultaneously by multiple people, indicate the aggregate hours spent on each activity):

- a. identifying the appropriate rightsholder
- b. searching for the rightsholder or its agent;
- c. contacting and connecting with the rightsholder or its agent;
- d. transacting with the rightsholder or its agent to obtain a licence or permission, including reviewing and negotiating price and terms of use, obtaining signing authority and agreeing to terms;
- e. receiving invoice and arranging for payment, including obtaining signing authority, cutting cheques, online transaction times;
- f. record-keeping and audit requirements;

- g. liaising with requestors and administering the licence, including compliance with the licence; and
- h. any other tasks associated with obtaining and/or clearing permission.

119. For each Year from 2008, provide the costs associated with obtaining and/or clearing permissions to Copy Published Works from rightsholders or their agents for the following:

- a. the licence or permission fee, including any royalty payments and administrative fees;
- b. the payment, including cheque production or online transaction costs, mailing or delivery; and
- c. the labour costs of searching for, contacting, connecting and transacting with the rightsholder or its agent, payment, record-keeping or auditing, liaising with requestors and all other tasks.

120. Provide the estimated time incurred to administer the previous Access Copyright licence for the following (if the activities are performed simultaneously by multiple people, indicate the aggregate hours spent on each activity):

- a. completing and submitting e-Logs (per Published Work, or as otherwise available);
- b. receiving invoice and arranging for payment, including obtaining signing authority, and cutting cheques;
- c. record-keeping and audit requirements;
- d. liaising with requestors and administering the licence, including compliance with the licence; and
- e. any other tasks associated with administering the licence

121. Provide the costs associated with administering the previous Access Copyright licence, including a breakdown of the following for each Year from 2008:

- a. total licence fees paid;
- b. the payment, including cheque production or online transaction costs, mailing or delivery; and
- c. the labour costs of administering the licence.

122. Provide any and all information and/or documentation regarding obtaining and/or clearing permissions to Copy Published Works directly from rightsholders or their agent, including lists of Published Works and the cost of each transaction, for each Year from 2008.

(ix) *Licences*

123. Provide one copy of each contract, licence, agreement and/or terms of use (each, an “**Agreement**”) that authorizes Students or Staff Members to Copy, access and/or view Published Works (e.g. licences to databases of Published Works, permissions from rightsholders etc.). These Agreements include, but are not limited to:

- a. with the copyright owner (including subscriptions and direct electronic delivery);
- b. with content aggregators;
- c. with distributors; and
- d. with media monitoring and/or press clipping services

covering the Years 2008 to the present.

124. If not already provided, provide the name and number of licensed databases, whether locally or remotely hosted, full text or otherwise, for which temporary or permanent access rights have been granted to users by direct purchase, by license or otherwise, or through consortia or cooperative agreements by direct purchase, by license or otherwise. Provide the source of access for each licensed database.

125. For each of the Agreements provided under interrogatory 123, provide the number of users covered, and identify whether there are any restrictions on users, including (as applicable): category (i.e., student, professor etc.), roles and/or faculty.

126. For each of the Agreements provided under interrogatory 123, explain how the Agreement is administered by the Institution, including how the Institution controls, monitors and enforces the Agreement, and the name and title of the Staff Member responsible.

(x) *Other policies, agreements and correspondence*

127. Has the Institution or anyone acting at its request or on its behalf conducted any studies, analyses or inquiries to measure the amount, nature or value of the Copying of Published Works by Educational Institutions, Students and/or Staff Members? If yes, provide details, including a copy of any such study, analysis or inquiry as well as all related documentation. Please include any and all international studies, analyses or inquiries.

128. Does the Institution have any documentation or information with respect to the amount, nature or value of the Copying of Published Works by Educational Institutions, Students and/or Staff Members? If yes, provide details and copies of all such documentation. Please include any and all international studies, analyses or inquiries.

129. Has the Institution used the services of any expert to measure, analyze or review the amount, nature or value of the Copying of Published Works by Educational Institutions, Students and/or Staff Members? If yes, please provide the name of the expert, any reports generated by the expert and all related documentation. Please include any and all international studies, analyses or inquiries.

130. Provide all documentation, including all internal documentation and documentation between the Institution, its Students and/or Staff Members, in any way related or relevant to the Tariff or the Interim Tariff including that relate to the Copying of Published Works, Access Copyright, copyright, fair dealing, academic freedom, coursepacks, the Institutions prior licence(s) with Access Copyright, royalty rates for the Copying of Published Works, privacy and freedom of expression.

131. Provide a copy of all correspondence between the Institution and the Objector regarding Access Copyright, relating to the use of Published Works by Students and Staff Members, privacy and confidentiality, copyright, fair dealing, or academic freedom.

132. Does the Institution or any Staff Member own copyright in any Published Works?

133. Does the Institution or any other faculty, department, other business unit, or Staff Member charge fees for the use, including Copying, communication to the public by telecommunication or licensing of Published Works in which the Institution or any other faculty, department, other business unit, or Staff Member owns copyright? If yes, provide the revenues received by the Institution.

134. If not already provided, provide a copy of the Institution's responses to the questionnaire included with a memorandum of the AUCC dated on or about December 1, 2009.

Appendix A

Course Name	Course Code	Course Start and End Date	# of Students	# of Published Works Copied	# of Staff Members	ISBN/ISSN/PW	Title of PW, including article and chapter (as applicable)	Publication Year, Volume Number (as applicable)	Author(s)	Publisher	# of Pages Copied	How was the PW used or accessed by Students?	Required or Recommended?	Licensed?