Briefing for academic staff

Cost, affordability and availability of core reading materials

Executive summary

This briefing paper created by the Jisc Learning Content Group provides an overview of the current e-textbook licensing landscape within higher education institutions. It outlines current practices, explains how it is harder for students to access the reading material you recommend to them and suggests ways in which you can support the drive for access to affordable and sustainable e-textbooks.

Providing students with online-only access to key learning content has become a priority during the pandemic, highlighting the drawbacks and frustrations with the current system.

Access to core teaching electronic textbooks is at the heart of the current debate in UK higher education. They have become increasingly inaccessible, unaffordable and unsustainable[i]. This is making it harder for library services to support you in the move to blended teaching with the same variety and choice of reading materials you may have recommended pre-pandemic, and deliver a good experience to your students.

This paper outlines key steps you can take when authoring materials or designing a course to make it easier for your students to be able to access the resources you recommend.

1. If you write a textbook for a publisher:

    1.1. Know and understand your agreement with them, including what rights you have over the content you produce, and what say you have in how it will be marketed and sold.

2. If you include titles on course reading lists:

    2.1. Don't rely on a core title that offers the complete reading required for your programme. Refer to multiple books and consider a "course pack" approach

    2.2. Involve the library in your resource selection to help identify available, affordable or open resources

    2.3. Make use of existing digital sources that offer good access, such as articles from e-journals, and content from digital collections without usage restrictions so they can be accessed by the whole class

Core books: the "product" at the centre of the debate

The focus of the issue is the textbooks that underpin undergraduate teaching and learning in UK universities. These titles are often labelled "*Primers*", "*Handbook of*", "*Introduction to*", "*Student guide to*", "*Fundamentals of*", etc.

These materials are central to learning and teaching and are often set by academic staff as "core reading", or "recommended for purchase" for their students. These are books that must be referred to regularly by students for their seminar reading, exam revision and essays. Often the content in these titles is embedded throughout the teaching and may directly support assignments (such as open book exams) or learning objectives (particularly on professionally accredited courses). Publishers have been quick to market these, and other less essential materials, as high value products – often with "premium" pricing.

Product development

In certain disciplines (e.g. business, economics, medicine, law, etc.) and key markets (where large international and US sales are targeted), textbook production is heavily commercialised. Content development is often outsourced to professional authors rather than being produced by academic staff. Professional design of learning activities and content, and the addition of supplementary materials – or functionality in the case of online products – pushes the cost of developing these titles higher. From a publisher perspective, these titles are "premium" products that require substantial investment to produce and maintain[ii]. Publishers must not only cover their costs but also bring in revenue to support growth and investment in other products as well as profit for shareholders.

However, many teaching titles for the UK market are written for publishers by academic staff employed at UK universities. Some of these become highly adopted titles placed on course reading lists and generate profitable commercial sales for the publisher. Others become highly respected secondary texts that make up the bulk of recommended and background reading for their discipline.

Academic authors are sometimes unaware of the future value of their work and its profitability. Through negotiating their contract with the publisher, authors can influence the future sales model available for their title, which affects how affordable and how accessible their book will be. If the title is overpriced, or only released on restrictive digital models – for example, only allowing annual lease sales for entire cohorts rather than sold via a traditional library licence that allows for the perpetual purchase of a select number of copies – then the reach of the text may be limited.

Product placement – the academic's role in the process

Marketing is key to publishers realising their return on their investment in "premium" content, and a common goal is title adoption on courses or modules to achieve "sell through" when a book is recommended for student purchase.

This is done through direct marketing to academic staff by publisher sales representatives. Once the title is adopted by an academic onto the programme, it often remains there for the lifecycle of the course. This is especially true where texts are embedded in the teaching structure and course assessments, and many publishers have invested heavily in "courseware" (such as Pearson's *MyLab*, Cengage's *Mindtap*, and McGraw Hill's *Connect*) that takes this a step further by delivering the title within proprietary learning platforms[iii].

The university library may not be part of these discussions or decisions and, once this level of buy in and tie in is achieved by a publisher with a programme lead, the competition from other publishers is effectively locked out, limiting opportunities to consider more affordable alternatives.

Market trends

For many years, the core publisher market has been driven by print sales. These still form part of publishers' strategies but have been declining in key markets. High print prices have made titles unaffordable to students[iv], and publishers have subsequently suffered from the second-hand textbooks resale market and content piracy[v].

Publishers have responded, mimicking the print sale model by producing digital textbooks for direct sale to individuals on a copy-by-copy basis ("e-textbooks"). This cuts off the second-hand resale market. When combined with digital rights management (DRM) that restricts the ability to copy, download or print content, it also reduces the risk of piracy and sharing on filesharing sites. Licences are sold on an annual subscription basis, generating a stable recurrent revenue for publishers.

Publishers largely apply this one-to-one model (annually leasing access to provide an entire cohort with their own personal online copy) to their "premium" e-textbook content – the titles that have high course adoption as core texts or recommended for student purchase and are expected to realise high sale volumes. Pricing is based on the print RRP (or, more recently, digital list price) multiplied by the number of students in a cohort or on a course.

The impact of the pandemic

The traditional university library strategy of purchasing limited print copies of "premium" titles sufficient to meet teaching demand[vi], and placing them on flexible loan periods to ensure they circulate around a class cohort does not work when students cannot access the library to borrow them.

The rapid shift to online and blended teaching caused by the global pandemic accelerated a move towards digital formats. Publishers were quick to understand the situation and made content freely available, relaxing limitations and restrictions[vii]. As a result, many generous offers of free access to digital educational content were made to universities throughout the spring and summer of 2020. While this generated no revenue for publishers, it did act as a shop window for their wares, satisfied an immediate need for content and helped place titles on courses.

Over the last 18 months, libraries have experienced publishers withdrawing titles from affordable e-book models via aggregators[viii] (established vendor platforms that aggregate access to titles across multiple publishers). This reduces the availability of concurrent online access models at affordable pricing[ix] and pushes more and more content through "premium" e-textbook and courseware channels sold direct by the publisher, or via suppliers. In addition, libraries have been forced to deal with prices tripling and overnight changes to digital rights management for titles.

This has eroded the goodwill established between publishers and libraries at the start of the pandemic. Institutional customers have often felt that publisher actions have been exploitative and opportunistic, resulting in the #e-booksos movement for a public enquiry into the whole academic publishing sector[x].

For libraries, the increasing level of spending – which in the majority of cases was supported by emergency rebalancing of budgets, cancellations of other agreements or reduced provision of print and recommended reading – is unsustainable.

Looking ahead

As an academic, you can help address the imbalance and support the drive for affordable, transparent and sustainable pricing. There are two market conditions within your immediate control that contribute towards the current situation:

- The authorship of textbooks by academic staff for publishers, and granting of exclusive rights to the publisher, with no say in the way the content will be priced and marketed.
- The placement and embedding of titles on course reading lists by academic staff which creates a "canned" market for publishers.

A longer-term solution would be to develop Open Educational Resources (OER) across the UK higher education sector, and to redirect to open authorship the effort that academic staff currently put into commercial authorship. This would require publishing infrastructure, a culture shift on the behalf of the sector, and a rethink about professional recognition and reward for the authorship of open teaching and learning content, so that institutions incentivise this activity. This is not dissimilar to the evolution of the open access debate within the research environment, and the emphasis and recognition that research funders and exercises such as the REF place on it.

Institutions can and should help you in all these scenarios by:

- Offering advice and support on negotiating publishing contracts
- Recognising and rewarding open authorship of teaching materials
- Working across the sector to apply market pressure on publisher prices
- Signposting sustainable alternatives to set readings

Solutions: what can academic staff do to help?

Know your publisher agreement

If you are authoring an academic textbook for a publisher, ensure that you know what rights you have over the content you produce, and what say you have in how it will be marketed and sold. Some questions to clarify and, if possible, embed in your contract with the publisher include: [xi]

- What exclusive rights you've granted to the publisher, and what rights you've retained for yourself, particularly with regard to granting exclusive electronic rights to your publisher.
- That copyright is in your own name and creative rights are retained in the work.

- That you have seen and agreed to the marketing plan for the text: ensure that it will be marketed as a multi-user version, unrestricted by platform, and that the title will not be excluded from the Copyright Licensing Agency's Higher Education Licence.

- What rights you have to copies of the book (including electronic copies), and fair usage of your work without charge.

Don't rely on a core title or stitch it too deeply in your module

Break away from the concept of single "premium" titles offering the core and complete reading required for a programme. This reinforces the current model of title adoption and placement.

- Refer to multiple books and try not to recommend multiple chapters from the same book.

- Be mindful of direct marketing approaches from publishing representatives – the publisher will be seeking your adoption of their title on your course.

Consider whether a "course pack" approach, based around relevant segments of content from multiple sources and the inclusion of different learning objects, would serve the delivery of the course as well, or better.

Involve the library

When you review a reading list, consult the library about resource selection. The library can play an active advisory role in helping you identify available, affordable or open readings and resources for a class, and will have access to analytics on usage to help inform decision-making.

This can also happen at programme approval and programme redesign phases, where thought is being given to redesigning curricula and pedagogy for blended learning, the use of technology, and what a quality experience will feel like for students.

Make use of existing sources that offer good access

University libraries offer extensive digital collections to academic staff and students. When developing reading materials for a programme or module, this can be the first point of reference.

- Articles from e-journals, and content from digital collections are without usage restrictions so they can be accessed by the whole class cohort.

- Digital collections cover many disciplines and include a huge range of quality and peer reviewed content, review articles, empirical research, and primary sources that can all be used to help scaffold teaching.

Annex A: Supporting context

Different publishers' approaches and models vary widely but the following practices have been observed by libraries over the past year or more.

Author agreements that enable publishers to market restrictive versions of a title

Academic authors of teaching texts need to be aware of how their publisher intends to market their title. In several cases, academic authors have found that their titles have been categorised as "premium" content by the publisher, and only offered for sale under an e-textbook model. The price to provide a copy for every student on a course can put the title out of the reach of even the author's home institution, meaning it cannot be recommended on their own class reading lists.

More titles treated as "premium" content by publishers, and only offered under "premium" sales models

When back catalogue titles are redesignated as "premium" content and new editions only offered for sale as e-textbooks, which removes previously available books from cost-effective multi-user e-book licence models, the cost to provide a copy for every student on a module is prohibitive for most institutions. This reduces the ability of libraries to afford a wide range of background and recommended reading, reducing the chances of these titles remaining on reading lists.

Reducing choice available from commonly used library e-book suppliers

Publishers have reduced the choice or value of titles that can be purchased through the main multi-user e-book platforms available to UK university libraries (ProQuest, EBSCO and Askews and Holt).

New editions are not available as multi-user e-books

Exclusion of current and recent editions of "premium" titles from multi-user licence models. A common scenario is for a third edition to be released as an e-book, while fourth and fifth editions are only available in print format or as an e-textbook.

Unsupportable prices for multi-user e-book licences

In autumn 2020, Taylor & Francis and McGraw Hill increased their prices by more than 200% to their one and three concurrent user licences.

One of the most extreme examples of this practice can be seen in a Wolters Kluwer title, *Cancer: Principles and Practice of Oncology, Primer of Molecular Biology in Cancer* (11th edition). On 9 February 2021, the paperback copy was listed on ProQuest for purchase at £75. A single user e-book licence was priced at over £5,000 (the equivalent of 65 copies of the paperback), and an unlimited concurrent user licence cost over £10,000.

Cambridge University Press has also withdrawn all its textbook content from affordable licence options and now only offers a one size fits all model via its new *Core* platform. It offers unlimited concurrent user access, but with tiered institutional prices in the range of £1,000-£1,400k per title. This does not represent value for small class cohorts or background texts and is charged as an annual fee.

Further examples can be found via #ebooksos[xii].

Subscription (licensing rather than purchase and ownership)

Licensing of content on an annual subscription basis rather than selling it outright provides a more sustainable and reliable source of income for publishers, but has financial implications for institutions in terms of funding long-term commitments.

The content is not owned by the institution or individual, and access ceases at the end of the 12-month period. A university could pay for a copy of a title for every student on a large module at a "premium" price. If the students need that title in subsequent years, then it has to be relicensed for them annually, as well as the new cohorts coming onto the module: the student is not able to retain the book in the same way as if they had bought it in print – despite the similarity in unit cost.

Bundling content for sale

Under this model, to access the titles required, libraries must purchase the publisher's whole portfolio or package of medicine, law or business titles for example. Only an annual subscription at tens of thousands of pounds for the whole bundle will unlock the required titles. An early example was O'Reilly's *Safari* e-books for computing, but others have followed suit such as OUP with its *Law Trove* and Elsevier with *ClinicalKey*.

Removing legal copyright entitlements from multi-user titles

The removal of user copy, print and download allowances on "premium" titles, often with no notice, cause many challenges for libraries. In addition, this is contrary to the limitations and exceptions permitted by copyright law, including fair dealing for the purposes of non-commercial research and private study.

Unsustainable second extract costs

Temporary relaxation of CLA copyright terms has allowed for the digitisation of up to 20% of a title for access by a class cohort[xiii]. This has been a welcome move and supports the delivery of blended teaching where a book extract is required. However, the second extract charges for making an additional chapter available to a class cohort can amount to thousands of pounds annually, making this approach unsustainable.

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[i] *Campaign to investigate the academic e-book market*. Available from: **https://academice-bookinvestigation.org/** [accessed 24 March 2021]

[ii] In the region of $500k to $3m compared to an average monograph development cost of c. $15k

[iii] McGraw Hill announced on 24 February 2021 that digital products made up 64% (over $1bn) of the company's revenue for 2021 to date, with a 27% YTD growth in uptake of the Connect platform. *Sales of Digital Learning Solutions Continue to Drive Strong Performance for McGraw Hill in Fiscal Q3 2021*. Available from: **https://www.mheducation.com/news-media/press-releases/mcgraw-hill-third-quarter-2021-results.html** [accessed 8 March 2021]

[iv] Naigle, C. and Vitez, K. (2020). *Fixing the Broken Textbook Market*. US PIRG Education Fund. Available from: **https://uspirg.org/feature/usp/fixing-broken-textbook-market** [accessed 8 March 2021]

[v] Gest, K. (2019). 'I can get any novel I want in 30 seconds': can book piracy be stopped? *Guardian*, 6 March 2019. Available from: **https://amp.theguardian.com/books/2019/mar/06/i-can-get-any-novel-i-want-in-30-seconds-can-book-piracy-be-stopped** [accessed 8 March 2021]; and Jones, M. Why we can't overlook textbook piracy. *THE*. Available from: **https://www.timeshighereducation.com/blog/why-we-cant-overlook-textbook-piracy** [accessed 8 March 2021]

[vi] Often purchased to agreed ratios (such as one copy for every 10 students on a course) to provide a compromise between making content available to a class, and affordability within a limited budget that must cover provision of multiple titles for the same class cohort

[vii] Jisc (March 2020). *Statement on Access to Content in Response to Covid 19*. Available from: **https://www.jisc.ac.uk/news/statement-on-access-to-content-in-response-to-covid-19-20-mar-2020** [accessed 27 April 2021]; and RLUK (February 2021). *Open Letter to the Publishers Association*. Available from:

https://www.rluk.ac.uk/sconul-and-rluk-issue-an-open-letter-to-the-publishers-association-to-review-their-support-of-uk-heis/ [accessed 27 April 2021]

viii Perhaps as little as 10% of "premium" titles, see Secker, J., Gadd, E. & Morrison, C. (2019). *Understanding the Value of the CLA Licence to UK Higher Education*. Available from: **https://www.sconul.ac.uk/sites/default/files/documents/CNAC%20Research%20Project%20Report%20FINAL%20with%20logos.pdf** [accessed 8 March 2021]

ix Hackett, T. *COVID Lessons – Copyright and Online Learning*. Available from: **https://www.eifl.net/blogs/covid-lessons-copyright-and-online-learning** [accessed 8 March 2021]

x Fazackerly, A. (2021). 'Price gouging from Covid': student e-books costing up to 500% more than in print. *Guardian*, 29 January 2021. Available from: **https://www.theguardian.com/education/2021/jan/29/price-gouging-from-covid-student-e-books-costing-up-to-500-more-than-in-print**? [accessed 8 march 2021]

xi Text and Academic Authors Association. *Textbook Contracts a Guide: Learn how to Negotiate an Author-friendly Contract*. Available from: **https://www.taaonline.net/assets/docs/downloads/taatextbookcontractsaguide.pdf** [accessed 9 March 2021]; also, Schofield, B. et al (2018). *Understanding and Negotiating Book Publication Contracts*. Authors Alliance. Available from: **https://www.authorsalliance.org/resources/publication-contracts/** [accessed 9 March 2021]

xii Campaign to investigate the academic e-book market. **https://academicebookinvestigation.org/** [accessed 30 June 2021]

xiii Usually 10%. See *Higher Education Licence terms amended until July 2021 to help sector deal with difficulties due to Covid-19*. Available from **https://cla.co.uk/HE-licence-terms-amended-covid19** [accessed 26 March 2021]