



## POLICY AND PROCEDURE MANUAL

<b>Policy Title:</b>	<b>COPYRIGHT POLICY</b>	<b>Area of Responsibility:</b>
<b>Policy Section:</b>	<b>FINANCE</b>	<b>VP STUDENT SERVICES AND ADMINISTRATION</b>
<b>Effective Date:</b>	<b>2016 07 28</b>	<b>Policy No: 4.7</b>
<b>Supersedes:</b>	<b>2013 09 30</b>	<b>Page: 1 of 6</b>

### 4.7 Copyright Guidelines

#### Purpose

Copyright legislation places an obligation on the College to ensure that the provisions of the law are respected in the conduct of its various functions. The purpose of this policy is to provide guidance to administrators, contractors, faculty, staff, students and visitors concerning the expectation of the law with respect to copying, reproducing, or distributing any copyrighted material.

#### Application and Scope

The policy applies to any person in the organization in full or part time employment, including faculty, support staff, administration, contractors, consultants, volunteers, and students that use copyrighted works, whether it be in an academic program or in the course of work for the College.

#### Definitions

- Canadian Modernization Act:** A law that protects creative endeavors by ensuring that the creator has the sole right to authorize their publication, performance or reproduction.
- Protected Works:** All original works are protected by Copyright whether written, recorded or as a computer file.
- Copyright Clearance:** The formal permission to copy and disseminate copyrighted materials.
- Access Copyright:** Access Copyright (The Canadian Copyright Licensing Agency) collects revenues from licensed Canadian business, government, schools, libraries and other copyright users for copying and digitizing of works and distributes those monies to the rights holders of those works, such as publishers and authors.

## **Principles**

- St. Clair College respects the rights of copyright owners.
- The College adheres to the Copyright Modernization Act.
- College facilities and equipment will not be used in activities, such as copying or transmitting objects or documents, which would contravene legislation, license agreements or guidelines.
- Any copying of copyright material by College students or staff that is not permitted by this policy is not authorized.

## **Implementation**

- The College may enter into licence agreements with Access Copyright (Appendix A: Print and Digital Copying Information) and other parties for the use of copyright-protected works. Unless otherwise set out in a licence agreement, the rules for using copyright-protected materials at St. Clair College adheres to the 'Association of Canadian Community Colleges Fair Dealing Policy' (Appendix B: Fair Dealing Policy).
- The College reserves the right to take any appropriate measures deemed necessary in order to ensure compliance with this policy. Managers shall ensure that employees in their area have sufficient knowledge of this policy to enable the employees to comply with and achieve the objectives of this policy.
- Employees whose job function is to provide copying or reprographic services in any medium are authorized to ask for evidence that a request for service will not involve the infringement of a copyright or license agreement and may decline to perform a service in the absence of such evidence.
- Notwithstanding the above, the end user, whether student, employee, contractor or other person acting for the College, is responsible for compliance with copyright legislation.

## **Appendices**

- Appendix A: Print and Digital Copying Information
- Appendix B: Fair Dealing Policy

**Appendix A  
Access Copyright  
Print and Digital Copying Information**

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St. Clair College's licence with Access Copyright provides Students and Staff with permission to copy within or in support of our institution's mandate, in addition to ways that are covered by fair dealing and other permitted uses under the Copyright Act.

**What can I copy?**

You can copy portions of any publication in Access Copyright's extensive repertoire. Use this convenient lookup tool to confirm that the titles you wish to copy are covered:  
<https://discovery.accesscopyright.ca>

**How much can I copy?**

i. You may copy up to 20% of a Repertoire Work or make copies of:

1. an entire page or article from a magazine, journal or newspaper that is Repertoire Work,
2. an entire short story, play, poem, essay or article from a Repertoire Work that contains other Published Works,
3. an entire entry or article from a reference work that is a Repertoire Work,
4. an entire reproduction of an artistic work (including any drawing, painting, print, photograph or other reproduction of a work of sculpture, architectural work or work of artistic craftsmanship) from a Repertoire Work that contains other Published Works, or
5. an entire chapter from a book that is a Repertoire Work, provided that it is no more than twenty-five percent (25%) of that Repertoire Work, for any Authorized Purpose, including for use in a Course Collection, and

ii. Make a single Copy of a Repertoire Work in accordance with subsection 2(a)(i) for the purpose of Interlibrary loan to an institution or corporation licensed by Access Copyright or to any non-profit educational institution, library, archive or museum, in instances where an exception does not already apply.

There are no limits on the quantity of copies you can reproduce, or the overall volume of copying.

**How can I create copies?**

Create copies by photocopying, scanning, printing, faxing, uploading to a secure network, or saving to a hard drive or USB stick.

**How can I distribute or display copying?**

You can distribute copies in print handouts, emails or by uploading to a secure network. You can also create copies for print and digital course collections and classroom display. Where reasonable, please credit the source.

**Can I request permission to copy beyond the limits?**

Yes, you can request permission to copy beyond the limits of an individual book or periodical. Over-limit permissions, where available, are subject to pay-per-use pricing and can be requested through our lookup tool: <http://discovery.accesscopyright.ca>

**Appendix B**  
**Association of Canadian Community Colleges**  
**Fair Dealing Policy**

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The fair dealing provision in the *Copyright Act* permits use of a copyright-protected work without permission from the copyright owner or the payment of copyright royalties. To qualify for fair dealing, two tests must be passed.

First, the "dealing" must be for a purpose stated in the *Copyright Act*: research, private study, criticism, review, news reporting, education, satire, and parody. Educational use of a copyright-protected work passes the first test.

The second test is that the dealing must be "fair." In landmark decisions in 2004 and in 2012, the Supreme Court of Canada provided guidance as to what this test means in schools and post-secondary educational institutions.

This Fair Dealing Policy applies fair dealing in non-profit K-12 schools and post-secondary educational institutions and provides reasonable safeguards for the owners of copyright-protected works in accordance with the *Copyright Act* and the Supreme Court decisions.

Guidelines

1. Teachers, instructors, professors and staff members in non-profit educational institutions may communicate and reproduce, in paper or electronic form, short excerpts from a copyright-protected work for the purposes of research, private study, criticism, review, news reporting, education, satire and parody.
2. Copying or communicating short excerpts from a copyright-protected work under this Fair Dealing Policy for the purpose of news reporting, criticism or review should mention the source and, if given in the source, the name of the author or creator of the work.
3. A single copy of a short excerpt from a copyright-protected work may be provided or communicated to each student enrolled in a class or course:
  - a. as a class handout
  - b. as a posting to a learning or course management system that is password protected or otherwise restricted to students of a school or post-secondary educational institution
  - c. as part of a course pack
4. A short excerpt means:
  - a. up to 10% of a copyright-protected work (including a literary work, musical score, sound recording, and an audiovisual work)
  - b. one chapter from a book

- c. a single article from a periodical
  - d. an entire artistic work (including a painting, print, photograph, diagram, drawing, map, chart, and plan) from a copyright-protected work containing other artistic works
  - e. an entire newspaper article or page
  - f. an entire single poem or musical score from a copyright-protected work containing other poems or musical scores
  - g. an entire entry from an encyclopedia, annotated bibliography, dictionary or similar reference work
5. Copying or communicating multiple short excerpts from the same copyright-protected work, with the intention of copying or communicating substantially the entire work, is prohibited.
  6. Copying or communicating that exceeds the limits in this Fair Dealing Policy may be referred to a supervisor or other person designated by the educational institution for evaluation. An evaluation of whether the proposed copying or communication is permitted under fair dealing will be made based on all relevant circumstances.
  7. Any fee charged by the educational institution for communicating or copying a short excerpt from a copyright-protected work must be intended to cover only the costs of the institution, including overhead costs.