

POLICY AND PROCEDURE MANUAL

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4.7 COPYRIGHT GUIDELINES

Purpose

Copyright legislation places an obligation on The St. Clair College of Applied Arts and Technology (“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, volunteers, 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 at the College 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

Access Copyright:	Access Copyright (The Canadian Copyright Licensing Agency) collects revenues from licensed Canadian businesses, government, schools, libraries and other copyright users for the copying and digitizing of works. The proceeds gathered are distributed to the copyright-holders of those works, such as publishers and authors.
Copyright Act:	Canada’s Copyright Act is a law that protects creative endeavors by ensuring that the creator has the sole right to authorize their publication, performance or reproduction.
Copyright Clearance:	The formal permission to copy and disseminate copyrighted materials.
Copyright Modernization Act:	An amendment to the Copyright Act to update the rights and protections of copyright owners to be in line with international standards and address the challenges posed with the Internet.

Fair Dealing:	The right in copyright law permitting use, or “dealing,” with copyright-protected works without permission or payment of copyright royalties.
Protected Works:	All original works are protected by Copyright whether written, recorded or stored as a computer file.
Title:	The name assigned to a published work by its author.

Principles

- The College respects the rights of copyright owners.
- The College adheres to the Copyright Act and the Copyright Modernization Act by providing reasonable safeguards for copyright-protected works and by entering into a license agreement with Access Copyright for the use of copyright-protected works.
- 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 students or staff of the College that is not permitted by this policy is not authorized.

Implementation

- The College may enter into license agreements with Access Copyright (Appendix A: Access Copyright Print and Digital Copying Information) and other parties for the use of copyright-protected works. Unless otherwise set out in the license agreement with Access Copyright, the rules for using copyright-protected materials at the College adhere to the Fair Dealing Policy (Appendix B: Fair Dealing Policy) of the Copyright Act.
- The College reserves the right to take any appropriate measures deemed necessary 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.

Access Copyright and Fair Dealing

- Faculty and staff are responsible for obtaining permission directly from the copyright holder when the intended use of a work falls outside the scope of Fair Dealing or the Access Copyright license. This includes materials not covered by Access Copyright’s repertoire or uses that exceed the allowable limits under either framework. Seeking direct permission ensures compliance with the Copyright Act and the

Copyright Modernization Act and helps protect both individual users and the College from potential infringement. For assistance with determining permissions or locating rights holders, faculty and staff are encouraged to consult library services for assistance and clarification.

- The College prohibits the circumvention of any technological protection measure (“digital lock”) on copyright-protected work, except where expressly permitted under the *Copyright Act*. No employee, student or contractor may bypass or use tools to bypass a digital lock for any purpose unless a statutory exception applies.
- The College recognizes that many streaming platforms (e.g., Netflix, Amazon Prime Video, Disney+, Crave) are governed by license agreements that restrict classroom use. Faculty, staff and students may not stream content from commercial subscription services in a classroom, presentation, or public setting unless the platform’s license expressly permits educational or public performance use.
- Copyright-protected materials may only be stored on College-approved, secure cloud systems (e.g., the College’s learning management system, institutional OneDrive, or IT – authorized platforms). Storing or sharing copyrighted materials on personal cloud services (including Google Drive, Dropbox, iCloud, or personal OneDrive accounts) is prohibited unless the user has documented rights or permissions to share and store the material.
- Faculty, staff, and students may temporarily store copyrighted materials on personal devices solely for the purpose of completing College-related academic or operational tasks, provided the materials are redistributed, shared, or synced to personal cloud accounts.

Appendices

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

Appendix A

Access Copyright

Print and Digital Copying Information

The College's license with Access Copyright provides students and staff with permission to copy within or in support of the College's mandate. In addition, the College may copy where copying is covered by fair dealing and other permitted uses under the Copyright Act and the Copyright Modernization Act.

What can I copy?

You can copy portions of any publication (print or digital) in Access Copyright's extensive repertoire. The following lookup tool can be used to verify that the titles you wish to copy are covered:

<https://portal.accesscopyright.ca/cportal/licences/EPWorkSearch.aspx>

How much of a covered title can I copy?

For general non-coursepack uses, you can copy up to 10% of a title. For paper coursepacks, you can copy up to 20% of a book or an entire article from a magazine, journal or newspaper. For 20% or more, coursepack creation includes a requirement to collect per page royalties and to log the bibliographic details of copied materials, for reporting and payment to Access Copyright on a quarterly basis.

How is the coursepack copying reported to Access Copyright?

The College is required to report and pay for coursepacks on a quarterly basis. Reporting includes submitting bibliographic details of all published titles in Access Copyright's repertoire that are copied in the production of coursepacks. The Supervisor, Procurement & Contract Services requests coursepack copying information from the College's Print Shop. Information required from the Print Shop includes:

- Term or academic session of the reportable copying;
- Course code and instructor name;
- 13-digit International Standard Book Number (ISBN) or International Standard Serial Number (ISSN);
- Title of publication;
- Excerpt title;
- Author(s) of excerpts;
- Total pages in publication;
- Specific pages copied;
- Total number of pages copied; and
- Number of sets made.

If the College's Print Shop does not produce coursepacks in a given quarter, the College submits a 'No Coursepack Produced' reporting form instead.

The reporting schedule for coursepacks is as follows:

Reporting Period	Due Date
January 1 - March 31	April 30
April 1 - June 30	July 31
July 1 - September 30	October 31
October 1 - December 31	January 31

What is the page rate for coursepack copying?

The page rate is 15 cents per page, per copy.

How can I create copies?

Copies can be created 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?

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 the lookup tool:

<https://portal.accesscopyright.ca/cportal/licences/EPWorkSearch.aspx>

The lookup tool will provide general permission license information on the title. If the title is not covered under a license, permission requests can be made by contacting the Supervisor, Procurement & Contract Services. The Supervisor, Procurement & Contract Services shall contact Access Copyright at permissions@accesscopyright.ca to inquire about the acquisition of a transactional license.

What are the copyright guidelines for sharing course materials at the College?

Faculty and staff are also reminded that course collections, including course packs, assigned readings, and lecture materials, must not be sold or uploaded to public platforms or websites. These materials may only be shared through secure, access-restricted College systems (e.g., Blackboard) and must comply with the applicable license or copyright permissions. For assistance in determining the copyright status of a work or obtaining the necessary permissions, or to find materials readily available through library databases, individuals are encouraged to consult library services for assistance and clarification.

Appendix B

Fair Dealing Policy

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* <https://laws-lois.justice.gc.ca/eng/acts/C-42/> and the Supreme Court decisions.

Guidelines

1. Faculty, support staff, administration, contractors, consultants, volunteers, and students 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 the Supervisor, Procurement & Contract Services, 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.