COLLEGE POLICY

Policy No. & Title: **A-130 Copyright**
Policy Sponsor: Vice-President, Academic
Reference Cmtee: Policy & Procedure Committee
Effective: 2023-07-01
Next Review: 2027-01-29

Purpose
The College is committed to respecting the rights of copyright holders by upholding Canadian copyright law. As an educational institution, the College aligns its use of any copyright material to the Colleges and Institutes Canada and the Council of Ministers of Education, Canada, interpretation of Fair Dealing.

Against this background, this policy seeks to establish the expectations and guidelines regarding adapting, attributing, communicating, distributing, exhibiting, performing, and reproducing copyright protected material.

Scope
This policy applies to all College students, employees, delivery partners, affiliates, volunteers, and contractors.

Definitions
Copyright Act: The Canadian law that protects the economic, moral, and neighboring rights of creators of works and other subject matter.

Protected Works and Other Subject Matter: Artistic, dramatic, literary, and musical works, including broadcast signals, performers' performances, and sound recordings, that are original in nature and fixed in format.

Fair Dealing: The conditions under which the use of protected works and other subject matter may be used without the authorization of the copyright holder or the payment of copyright royalties and be considered fair. To be considered 'fair', the dealing must meet two criteria: first, the use must be for the expressed purpose of research, private study, criticism, review, news reporting, education, satire, or parody. Secondly, how the protected work is dealt with must be determined to be 'fair.'

In the landmark decisions from the Supreme Court in 2004 (CCH Canadian Ltd. v. Law Society of Upper Canada) and again in 2012 (Alberta (Education) v. Canadian Copyright Licensing Agency (Access Copyright)) fairness was established on the six (6) criteria of:

1) The Purpose of the dealing
2) The Character of the dealing

3) The Amount of the dealing
4) The Availability of Alternatives to the dealing
5) The Nature of the copyright-protected work
6) The Effect of the dealing on the copyright-protected work

POLICY

1) College employees may reproduce, distribute, and communicate, in paper or electronic form, short excerpts from copyright-protected works for the purpose of research, private study, criticism, review, news reporting, education, parody, or satire.
2) Reproducing, distributing, and communicating short excerpts of copyright-protected works under these Fair Dealing guidelines for the purpose of research, private study, criticism, review, news reporting, education, parody, or satire must mention the source of the short excerpt and, if mentioned in the source, the name of the creator of the short excerpt.
3) A single copy of a short excerpt from a copyright-protected work may be reproduced and distributed or communicated to each student enrolled in a class or course:
    a) As a paper handout.
    b) As a posting to a learning or course management system within a secure network that is password-protected or otherwise accessible only by College staff members and students.
    c) As part of a course-pack.
4) A 'short excerpt' means:
    a) Up to 10% of a copyright-protected work.
    b) A single chapter from a book.
    c) A single article from a periodical.
    d) An entire artistic work (paintings, prints, photographs, diagrams, drawings, maps, charts, or plans).
    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) Reproducing and distributing or communicating multiple short excerpts from the same copyright-protected work, with the intention of reproducing and distributing or communicating substantial portions of the copyright-protected work, is prohibited.
6) The circumvention of technological protection measures, in order to reproduce, distribute, or communicate short excerpts of copyright-protected works, is prohibited.

7) Reproduction, distribution, and communication that exceeds the limits outlined in these Fair Dealing guidelines may be referred to the Vice-President, Academic, for evaluation. An evaluation of whether the proposed reproduction and distribution or communication is within the scope of fair dealing will be based on all relevant circumstances.
8) Any fee charged by the educational institution for reproducing, distributing, or communicating short excerpts of copyright-protected works must be intended to cover only the costs of the institution, including overhead costs.

Related Policies
A-113 Audio and or Video Recording of Lectures

Supporting Documents/Forms
Canadian Copyright Act, 1985 (specific reference to Section 29.1, 29.2 and 29.4)
A-130p Copyright - Procedure