

<b>Policy Title</b>	Copyright and Fair Dealing Policy
<b>Policy Holder</b>	Vice President Academic
<b>Policy Approver(s)</b>	Senior Team
<b>Related Policies</b>	
<b>Related Procedures</b>	
<b>Appendices</b>	
<b>Storage Location</b>	Website - <a href="https://www.confederationcollege.ca/policies-and-procedures">https://www.confederationcollege.ca/policies-and-procedures</a>
<b>Effective Date</b>	2023-07-11
<b>Next Review Date</b>	2024-07-11

## Purpose

To outline the College Policy with respect to copyright and fair dealing.

## Scope

This Copyright and Fair Dealing Policy applies fair dealing in non-profit 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.

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.

## Definitions

### Copyright

Copyright means the right to copy. In Canada, all original creative works are protected by copyright. Only the copyright owner has the right to decide when and how the work is copied. Under Canada's Copyright Act, the person who owns the copyright is most often the creator of the work. If the work is created in the course of employment, the employer holds the copyright. Copyright protection is automatic upon the creation of a work, and applies whether or not a copyright statement appears on the material. In general copyright expires 50 years after the death of the author.

For the purposes of this policy, copyright means, in relation to a work, the sole right to produce or reproduce the work or any substantial part of the work in any material form, including without limitation, in electronic form and to communicate electronic copies of the work.

## Governing Laws and Regulations

Copyright Act (R.S.C., 1985, c. C-42)

## Policy Statements

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 Copyright and 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 Copyright and Fair Dealing Policy may be referred to the College's Manager of Library Services. 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.

## Non-Compliance

Employees have the responsibility to follow policies and procedures regardless of their position and are required to report any situation where they are asked to violate policies. Individuals or those directing others must also adhere to policies and will be held responsible for their own behaviour and for the behaviour of persons reporting to them who have violated policies and procedures.

## Revision History

Version	Change	Author	Date of Change
	New	Richard Gemmill	June 30, 2023