

COLLEGE USE OF COPYRIGHTED WORKS

<b>Policy Name:</b> College Use of Copyrighted Works	<b>Responsible Owner:</b> Vice President, Administrative Services and CFO	<b>Created:</b> 1985
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**A. PURPOSE**

The purpose of this policy is to outline the responsibilities of Douglas College and members of the College Community with respect to compliance with the *Copyright Act*, including Educational Exceptions and the ‘Fair Dealing’ provision in the *Copyright Act*, as well as procedures which protect the owners of works from the unlawful infringement of their works.

**B. SCOPE**

This policy is relevant to all members of the Douglas College community.

This policy applies to uses of works in all media, including print, digital, graphical, Internet, audio and video media.

**C. DEFINITIONS**

1. **College Community:** All Douglas College employees, students, Board members, and any other person who is contractually obligated to comply with this policy.
2. **Copyright:** The sole right to reproduce, or allow others to reproduce, in any form a work or parts of a work, to perform in public, or to publish an unpublished work. In Canada, protection typically begins

immediately upon creation of a work and exists until 50 years after the author's death. Registration of Copyright is not necessary.

3. **Coursepacks:** Any works, print or digital, produced by instructors using original or other sources for use by students in Douglas College programs.
4. **Fair Dealing:** A provision in the *Copyright Act* that permits the use of short excerpts of copyright protected works by individuals, and others acting on behalf of individuals, without permission or payment of Copyright royalties. To qualify for Fair Dealing, two tests must be passed: i) the dealing must be for one of the following purposes listed in the *Copyright Act*: research, private study, education, parody, satire, criticism, review or news reporting; and ii) the dealing must be fair, as such term is interpreted under Canadian law.
5. **Educational Exceptions:** Provisions in the *Copyright Act* that allow for the use of copyright protected materials for specific educational purposes, without requiring payment or permission from the copyright owner.
6. **Short Excerpt:** A “*short excerpt*” is defined under the *Fair Dealing Guidelines* of the Council of Ministers of Education, Canada as:
  - a. up to 10% of a 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.

#### D. POLICY STATEMENTS

1. All members of the College Community using works are expected to comply with the federally legislated Copyright Act and related laws, which includes protection of the rights of ownership of Copyright owners, and recognition of user rights in relation to works owned by others.
2. Douglas College recognizes the need to balance the benefits of sharing ideas for educational purposes with obtaining just compensation for the author of the work.



3. Douglas College respects Canadian and International laws and agreements regarding the use of works. The College acknowledges that Copyright exists upon the creation, in fixed form, of any original expression of ideas, regardless of format - print, digital, graphical, audio or video - in which such expression occurs. The College recognizes that “fair dealing” allows individuals and institutions limited copying of works for private study, research, criticism, review, news reporting, education, satire and parody.
4. The College will facilitate legitimate educational use of works and will regularly inform College employees and students of Copyright law and policy. It is the responsibility of the individual using works to ensure they are within the limits of Fair Dealing or other Educational Exceptions in the Copyright Act.
5. Copying or communicating that exceeds limits must be referred for evaluation to the designated persons at Douglas College responsible for copyright as follows:
  - Manager, Facilities Services responsible for the Bookstores, Print Shop and Print Materials
  - Director of Learning Resources for the use of the Library’s print and electronic collections
  - Manager of Academic Technology Services for Audio/Visual Recording and online content used for instructional purposes
6. The College is required to exercise due diligence in ensuring that College employees and students of the institution adhere to Copyright legislation, regulations and limitations.
7. Instructors and other College employees engaged in instructional activities will, where reasonable to do so, inform students how to access Copyright information.
8. Any member of the College Community who violates this policy may be subject to loss of access to the facilities of production such as photocopiers, printers, audio and video recording devices, scanners, and Internet servers. The College may take disciplinary action up to, and including, termination of employment or permanent expulsion against any member of the College Community who deliberately breaches Copyright law.
9. This policy will be reviewed, as needed, to reflect changing Copyright legislation.

#### E. PROCEDURES

##### [Standard Operating Procedures](#)

- Use of Copyright Works SOP (*in development*)

#### F. LINKS TO SUPPORTING FORMS, DOCUMENTS, WEBSITES, RELATED POLICIES

##### [Administration Policies Page](#)

- Integrity in Research and Scholarship
- Acceptable Use of Computer and Information Technology

##### [Code of Conduct](#)

- Douglas College Code of Conduct for Employees and Contractors



- Standards of Student Conduct

#### G. RELATED ACTS AND REGULATIONS

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

#### H. RELATED COLLECTIVE AGREEMENTS

The relevant provision in the current Collective Agreements:

Common Agreement: Copyright and Intellectual Property (Article 5: 2014-2019)

Local Agreement: Obtaining Copyright Clearance (LOU #5 2014-2019)