



<b>Category:</b>	<b>Research</b>
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<b>Policy Sponsor:</b>	<b>Vice President People and Planning</b>
<b>Policy Administrator:</b>	<b>Director Institutional Planning</b>

## **Copyright Policy**

### **Purpose**

The purpose of this policy is to define the acceptable use of Copyright-protected Works, and Lethbridge College's (the "College") expectations of Members of the College Community relating to the acceptable use of those Works.

### **Scope and Limits**

This policy applies to all Members of the College Community. It does not apply to Works in the public domain; Works which are designated as "open access" by a Creative Commons licence, Open Educational Resources licence, or similar licence; or to the commercial use of Works.

### **Definitions**

**Copyright** means the right to produce or reproduce a Work or a substantial part of it, the right to communicate a Work or a substantial part of it to the public by telecommunication, and, if a Work is unpublished, the right to publish the Work or a substantial part of it, in addition to the other rights set out in subsection 3(1) of the *Copyright Act*.

**Copyright Notice** means a notice stating the following: "This copy was made pursuant to Lethbridge College's Copyright Policy. The copy may only be used for the purpose of research, private study, education, parody, satire, criticism, review or news reporting. If the copy is used for the purpose of criticism, review or news reporting, the source and the name of the author must be mentioned. The use of this copy for any other purpose may require the permission of the Copyright owner."

**Employee** means any person on the payroll of the College.

**Member of the College Community** includes a Governor of the College Board of Governors, an Employee, a dependent or independent contractor, subcontractor or authorized agent of the College, a Student, and a volunteer for a College-sanctioned activity.

**Moral Rights** means the following rights held by the author of a Work: the right to the integrity of the Work; the right, where reasonable in the circumstances, to be associated with the Work

as its author by name or under a pseudonym; and the right to remain anonymous in relation to the Work.

**Short Excerpt** means, in any given case of fair dealing, the most generous of the following provisions:

- a) up to 10% of a Copyright-protected Work (including a literary Work, musical score, sound recording or 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 or 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; and
- g) an entire entry from an encyclopedia, annotated bibliography, dictionary or similar reference Work,

provided that no more of the Work is copied than is required in order to achieve the allowable purpose.

**Student** means any person enrolled in a course at or through the College.

**Work** means any architectural, artistic, choreographic, cinematographic, collective, dramatic, literary, musical, scientific, or technical work, as well as a book, compilation, computer program, engraving, lecture, photograph, sculpture, and any other work in which Copyright may subsist under the *Copyright Act*.

## **Policy Statements**

1. A person must not infringe the Copyright or Moral Rights in a Work.
2. A person may only use a Work:
  - a) if the use complies with the terms of a licence agreement negotiated by the College;
  - b) where (a) does not apply, if all Copyright owners have consented in writing to the use; or
  - c) where (a) and (b) do not apply, if the use is otherwise authorized by the *Copyright Act* (refer to Appendix A: Allowable Uses of Copyright-Protected Works).

3. An Employee who breaches sections 1 or 2 of this policy will be subject to disciplinary action up to and including termination of employment. If a Student breaches this policy, the Student Rights and Code of Conduct Policy governs.
4. The notice prescribed by the *Exceptions for Educational Institutions, Libraries, Archives and Museums Regulation* shall be posted on or near every photocopier on College premises, other than photocopiers intended for the private use of an individual.
5. The College may charge a fee for copying a Work, provided that the fee does not exceed a reasonable approximation of the actual cost of copying the Work.
6. Questions about this policy and any requests to obtain a Copyright owner's permission to use a Work should be directed to the Manager Institutional Compliance, who will maintain a record of such requests.

### **A: Policy Supports**

Appendix A: Allowable Uses of Copyright-Protected Works

### **B: Legislated References**

Copyright Act and Regulations (Canada)

### **C: Other References**

*none*

### **D: Related Policies**

Applied Research and Scholarship Policy  
Intellectual Property Policy  
Lethbridge College Code of Conduct Policy  
Student Rights and Code of Conduct Policy



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<b>Parent Policy:</b>	<b>Copyright Policy</b>
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## **Appendix A**

### **Allowable Uses of Copyright-Protected Works**

NOTE: Refer to the parent policy for definitions.

#### **A: Fair Dealing**

##### Short Excerpts

1. A person may do the following with a Work for the purpose of research, private study, education, parody, satire, criticism, review or news reporting if, in the case of criticism, review or news reporting, the source of the Work and (if known) the author of the Work are mentioned:
  - a) reproduce a Short Excerpt of the Work;
  - b) provide a Short Excerpt of the Work as a handout to Students;
  - c) email a Short Excerpt of the Work to Students;
  - d) post a copy of a Short Excerpt of the Work to a password-protected learning management system which is operated by or under the control of the College, if the copy is accessible only to Students enrolled in a particular course or program and Employees who require access;
  - e) include a copy of a Short Excerpt of the Work in a lecture or classroom presentation to Students; and
  - f) display a copy of the Short Excerpt of the Work to Students in a classroom.

##### Excerpts which are not Short Excerpts

2. A person may deal with (e.g. copy or communicate) more than a Short Excerpt of a Work for the purpose of research, private study, education, parody, satire, criticism, review or news reporting if, in the case of criticism, review or news reporting, the source of the Work and (if known) the author of the Work are mentioned, and if the dealing is fair. Whether a dealing is fair depends on the circumstances, and particularly the following factors:

- a) the purpose of the proposed dealing;
- b) the character of the proposed dealing, including whether it involves single or multiple copies, and whether the copies are destroyed after they are used for their specific intended purpose;
- c) the amount or proportion of the Work which is proposed to be copied and the importance of that Work;
- d) alternatives to copying the Work, including whether there is a non-copyrighted equivalent available;
- e) the nature of the Work, including whether it is published or unpublished; and
- f) the effect of the dealing on the Work, including whether copies will compete with the commercial market of the original Work.

## **B: Document Delivery and Library Reserve**

### Document delivery

1. The College library may deliver a Short Excerpt of a Work to another non-profit university or college library, either in hard copy or electronically, provided that the College has received written confirmation from the requesting library that the copy is required by a patron of that library for the purpose of research, private study, education, parody, satire, criticism, review or news reporting, and that the patron is a student, staff member or faculty member of that institution. The College library must also place a Copyright Notice on the copy.

### Library reserve

2. A Short Excerpt of course materials may be copied for the College's library reserve, either in hard copy or electronically, provided that:
  - a) a request to put the Short Excerpt on library reserve is made by or on behalf of a faculty member and in respect of a specific course;
  - b) the copy is used only by Students and instructors of a specific course;
  - c) a Copyright Notice is placed on the copy;
  - d) in the case of hard copies, the number of copies does not exceed the number of Students enrolled in the course; and
  - e) in the case of an electronic copy, the copy is password-protected with access restricted to Students and faculty members.

## **C: Other Allowable Uses of Copyright-Protected Works by Employees**

### Exemption for Works available through the internet

1. An Employee may, for educational or training purposes, copy, communicate, or publicly perform a Work that is available through the internet, provided that:
  - a) the source and the author, performer, or record label are mentioned;
  - b) the Work is not protected by a technology, device or component that controls access to the Work;
  - c) there is no clearly visible notice other than a Copyright symbol posted on the internet site or on the Work prohibiting copying, communicating or publicly performing the Work; and
  - d) the Employee does not know, nor should the Employee have known, that the Work was made available through the internet without the Copyright owner's consent.

### Exemption for tests, examinations, and displaying a Work in a classroom

2. An Employee may copy, communicate or publicly perform a Work for a test or an examination, and may, for educational or training purposes, display a Work (or reproduce the Work and display the copy) to Students in a classroom. However, if the Work is available for sale in Canada within a reasonable time and at a reasonable price, and can be located with reasonable effort, an Employee must not perform the Work and may only display the Work if it is reproduced by hand (e.g. on a white board, not by scanning or photocopying it).

### Exemption for performances

3. An Employee may perform a sound recording, perform a cinematographic Work, or perform a Work by telecommunication, on College premises for a non-profit educational or training purpose, provided that the audience consists mainly of Students and faculty members and the Work being performed is not an infringing copy.