



Category:	Research and Copyright
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Approval Date:	November 25, 2012
Effective Date:	November 21, 2012
Revised Date(s):	
Policy Sponsors:	Provost and Vice President Academic Vice President Corporate Services and Chief Financial Officer
Policy Administrator:	Dean Centre for Teaching, Learning and Innovation

Copyright Compliance Policy

Purpose

The purpose of this policy is to outline the responsibilities of Lethbridge College, its students, employees and associated parties with respect to compliance with the provisions of the Canadian Copyright Act.

Scope / Limits

This policy applies to employees, students, and associated parties.

Definitions

Associated parties are persons other than employees or students who are affiliated with Lethbridge College and who use or access the facilities, resources or funds administered by the College.

Copyright has the same meanings, definitions and restrictions as defined by the Canadian Copyright Act. In relation to a work, this means the sole right to produce or reproduce the work or any substantial part thereof in any material form whatever, to perform the work or any substantial part thereof in public or, if the work is unpublished, to publish the work or any substantial part thereof in any format.

Employee is any person on the payroll of Lethbridge College.

Student is any person enrolled at Lethbridge College.

Work(s) means any architectural, artistic, choreographic, cinematographic, dramatic, literary, musical, scientific, technical or other work in which copyright may subsist under the Copyright Act.

Policy Statements

1. Lethbridge College recognizes its legal and ethical responsibilities with respect to copyright and is committed to compliance with the Canadian Copyright Act (the Act).

2. The college takes all reasonable measures to ensure that parties governed by this policy use copyrighted works in accordance with the provisions of the Act and to provide access to and make available information with respect to copyright law and procedures for compliance.
3. Employees, students and associated parties are personally responsible to familiarize themselves with this policy. Lethbridge College expects that their use of copyright protected material is authorized by the Copyright Act.
4. Lethbridge College does not condone infringement of copyright by employees, students or associated parties.
5. Suspected violations of this policy will be investigated in a fair and consistent manner and appropriate action taken. Actions may include discipline up to and including termination of employment or association with the college, and/or legal sanctions.

A: Policy Supports

[Copyright Compliance Procedures \(Appendix A\)](#)

[Association of Canadian Community Colleges \(ACCC\) Fair Dealing Policy \(Appendix B\)](#)

B: Legislated References

Canadian Copyright Act

C: Other References

[Copyright Release/Request form](#)

D: Related Policies

Intellectual Property and Copyright Ownership 6.16

Social Media

Student Rights and Code of Conduct

Use of Information Technology Resources



Parent Policy:	Copyright Compliance
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Appendix A	

Copyright Compliance Procedures

1. To evaluate whether copyright permission is required, employees, students and associated parties should refer to the Association of Canadian Community Colleges (ACCC) Fair Dealing Policy (refer to Appendix B), to the educational exceptions included within the Act, and/or contact the Intellectual Property Office for assistance.
2. Once the evaluative process as outlined in #1 above has been completed and it has been determined that copyright permission is required, the Intellectual Property Office must be provided with a completed [Copyright Release Request form](#) at which time that office will initiate a request to the copyright owner and facilitate the process to completion.
3. The Intellectual Property Office is responsible for obtaining permission on behalf of the College to utilize copyrighted material for which permission must be granted in writing by the owner of copyright.
4. Adequate lead time must be allowed to process requests for permission to use copyright protected materials.
5. Permission to use or reproduce a work does not grant or imply permission to edit, modify or alter the work.
6. In the event that copyright permission is not obtained, the employee, student or associated party shall not use or reproduce the work in any way.
7. The Intellectual Property Office maintains a centralized recordkeeping system which catalogues all requests for Copyright permission with the original documentation provided with respect to such requests. The Intellectual Property Office may also maintain a database with respect to Copyright permission requests.

8. Employees, students or associated parties may refuse to reproduce or use any material believed to be in violation of copyright law. Such person should contact the Intellectual Property Office for clarification with respect to the law and procedure in regard to the intended use of a work.
9. Awareness of copyright compliance deficiencies should be brought to the attention of the Intellectual Property Office so that appropriate action can be taken to address the situation.



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Appendix B	

Association of Canadian Community Colleges (ACCC) Fair Dealing Policy

Lethbridge College adopts the ACCC Fair Dealing Policy as set out below.

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 and the Supreme Court decisions.

Guidelines

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 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; and/or
 - c) as part of a course pack.
4. A short excerpt means:
 - a) up to 10 per cent 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; and/or
 - 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 a supervisor 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.

