

<b>TYPE:</b>	Administrative
<b>TITLE:</b>	Copyright
<b>NO.:</b>	ADMIN-122
<b>RESPONSIBILITY:</b>	Chief Administrative Officer/Vice-President, Academic
<b>APPROVED BY:</b>	Durham College Leadership Team
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## 1. Introduction

The use of copyright-protected work is a common practice in post-secondary institutions to support scholarly teaching and learning and the College's activities. Durham College is committed to the implementation of consistent and accountable practices that demonstrate compliance with the *Copyright Act* and the license agreement with Access Copyright.

Employees 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. Copying or communicating short excerpts from a copyright-protected work for the purposes outlined above should mention the source and, if given in the source, the name of the author or creator of the work.

## 2. Purpose

The purpose of this policy and procedure is to provide guidance to Durham College employees and students to ensure compliance with the *Copyright Act* and Access Copyright license.

## 3. Definitions

Refer to [Durham College's Standard Definitions](#).

## 4. Policy statements

- 4.1. Durham College respects copyright and is committed to full compliance by its employees and students with Copyright law and all licenses governing the use of copyright-protected works.
- 4.2. College employees and students will not use any College systems to produce or distribute infringing materials.

- 4.3. Durham College will communicate with its employees and students concerning Copyright, including what materials can or cannot be reproduced, copied, distributed, or sold within the College.
- 4.4. Employees and students will inform themselves of their obligations using the available institutional resources and services.

## 5. Procedure

### 5.1. Access Copyright

- 5.1.1. Durham College has an agreement with Access Copyright which provides access to a repertoire of copyright-protected material.

To determine if the work you would like to copy is in the Access Copyright repertoire, use the Access Copyright Title Search and Permissions Tool:

<https://portal.accesscopyright.ca/cportal/licences/EPWorkSearch.aspx>

- 5.1.2. You may copy up to 20 per cent of a repertoire work or make a copy of a repertoire work that is:
  - An entire article, short story, play, essay or poem, or reproduction of an artistic work from a volume containing other published works.
  - An entire article or page from a newspaper or periodical.
  - An entire entry from an encyclopedia or similar reference work or an entire reproduction of an artistic work from a publication.
  - One chapter of a book, provided the chapter is no more than 25 per cent of that book.
- 5.1.3. You may copy up to 20 percent of a repertoire work or any of the above for a Course Collection and for certain library collection management purposes.
- 5.1.4. If the work is found in the repertoire and you want to use more than 20 per cent of the work, permission must be requested from Access Copyright. To request permission submit an inquiry to [copyright@durhamcollege.ca](mailto:copyright@durhamcollege.ca).
- 5.1.5. If you cannot find the work you are looking for send an inquiry to [copyright@durhamcollege.ca](mailto:copyright@durhamcollege.ca) or refer to Fair Dealing, Section 5.2.

### 5.2. Fair Dealing

- 5.2.1. If a work is not found in the Access Copyright Title Search and Permissions Tool, employees and students may rely on the fair dealing provision of the *Copyright* act.

- 5.2.2. 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:

1. 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.
2. The second test is that the dealing must be "fair."

- 5.2.3. A single copy of a short excerpt from a copyright protected work may used as outlined below:

- 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 Durham College; and
- c) As part of a course pack.

- 5.2.4. A short excerpt may mean:

- 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, 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
- g) An entire entry from an encyclopedia, annotated bibliography, dictionary or similar reference work.

- 5.2.5. 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 without permission from the copyright holder.

5.2.6. Consult with the Campus Library at [copyright@durhamcollege.ca](mailto:copyright@durhamcollege.ca) for guidance on how to request permission from the copyright holder.

### 5.3. Reporting mechanism

5.3.1. Students and employees should report any real, perceived or believed infraction of this policy and procedure to the Campus Library at [copyright@durhamcollege.ca](mailto:copyright@durhamcollege.ca).

## 6. Roles and responsibilities

6.1. It is the responsibility of the Chief Administrative Officer and Vice-President, Academic to ensure this policy and procedure is fully implemented.

6.2. It is the responsibility of employees and students to inform themselves of their obligations under the *Copyright Act* using the available institutional resources and services.

6.3. It is the responsibility of the Vice-President, Academic and Vice-President, Student Services to inform students about their obligations under the *Copyright Act*.

6.4. It is the responsibility of the Copyright committee to revise the College's policy and procedure when required at the direction of the Chief Administrative Officer and Vice-President, Academic; to review the contract with Access Copyright and to make a recommendation on license renewal to the Durham College Leadership Team; to submit FTE reports to Access Copyright when required, and to ensure resource materials are posted at every institutional photocopier.

6.5. It is the responsibility of the Centre for Academic and Faculty Enrichment to draw attention to this policy and procedure with all full-time and contract faculty during the faculty orientation sessions.

6.6. It is the responsibility of the Human Resource Department to draw attention to this policy and procedure with all non-teaching, full-time and contract employees during the orientation sessions.

6.7. It is the responsibility of supervisors/managers to inform new employees of their obligations under the *Copyright Act*.

6.8. It is the responsibility of the Bookstore to review all requests for custom course packs for compliance with the license provisions of Access Copyright and to submit quarterly reports on the custom course packs made.

- 6.9. It is the responsibility of the Campus Library to provide guidance and maintain informational resources on the *Copyright Act*, Access Copyright license and other licenses, and to suggest when permission from the copyright holder may be required. It is also the responsibility of the Campus Library to receive reports of any real, perceived or believed infractions of this policy and procedure and to act and/or forward the report to the appropriate contact at the College for investigation.
- 6.10. It is the responsibility of employees and students to seek permission from the copyright holder when copying exceeds the limits outlined by the *Copyright Act*, the College's license agreement with Access Copyright, and other licenses.
- 6.11. For copyright permission that levies a fee for use, it is the responsibility of the employee to gain approval from the appropriate Executive Dean/Dean or department to cover payment of all license fees and royalties.

## **7. Accessibility for Ontarians with Disabilities Act considerations**

Accessibility for Ontarians with Disabilities Act (AODA) standards have been considered in the development of this policy and procedure and it adheres to the principles outlined in the College's commitment to accessibility as demonstrated by the Accessibility Plan (ADMIN-203).

## **8. Non-compliance implications**

- 8.1. Where incidents are found to be in violation of this policy and procedure, and depending upon the severity of the situation and its impact on the institution, the College will take appropriate action. Student and employee sanctions could include: verbal/written warnings, rescinding of College services, removal of materials from computer equipment and networks, denial of the use of copyright material in the academic environment, restitution of costs associated with copyright material, disciplinary directives, expulsion, suspension and/or dismissal from the College.

## **9. Communications plan**

- A message will be posted on ICE alerting employees when new or revised policies and procedures are added to ICE.
- A message will be posted on MyCampus alerting students when new or revised policies and procedures are added.

## **10. Related forms, legislation or external resources**

- [Durham College Copyright Guidelines](#)