

AC409: Fair Dealing for Copyright Protected Work

Policy Title:	Fair Dealing for Copyright Protected Work
Policy Number:	AC409
Owner:	Sr. Vice-President Academic and Student Success
Approved by:	Senior Leadership Team
Effective Date:	September 2025
Reference:	The Association of Canadian Community Colleges Fair Dealing Policy (August 2012)
Links to Other Policy:	Intellectual Property Accommodating Students with Disabilities Policy

St. Lawrence College is committed to making our resources fully accessible to all persons. This document will be made available in alternative format upon request.

BACKGROUND

The fair dealing provision in the Copyright Act permits use of copyright-protected works 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 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: The exclusive legal right given to a creator to reproduce, publish, sell, or distribute their work.

Copyright protected work: Something created as a result of effort such as a book, sound recording, or audiovisual material.

Fair Dealing: a user's right in copyright law permitting use or "dealing" with a copyright protected work without permission or payment of copyright royalties.

Purpose:

The purpose of this policy is to:

1. Provide guidelines for the use of copyright protected materials by students and employees at St. Lawrence College.
2. Provide safeguards to owners of copyright protected works in accordance with the *Copyright Act*.
3. Outline the responsibility of every member of the college community.
4. Provide procedures for use of copyright protected works that do not meet the guidelines of Fair Dealing.

Scope:

This Fair Dealing Policy applies fair dealing in postsecondary educational institutions and provides reasonable safeguards for the owners of copyright protected works in accordance with the Copyright Act and the Supreme Court decisions.

This policy applies to all members of the St. Lawrence College community including applicants, students and employees and includes all activities and interactions related to the use of copyright protected materials.

POLICY STATEMENTS

For the use of copyright protected work to qualify as fair dealing as defined in the Copyright Act, two tests must be passed.

First, the “dealing” must be for one of the purposes stated in the Copyright Act: education, research, private study, criticism, review, news reporting, satire, and parody. Educational use of copyright protected work passes the first test.

The second test is that the dealing must be “fair” as determined by six factors identified through decisions of the Supreme Court of Canada which have provided guidance as to what this test means in a postsecondary institution. These factors are the purpose; character and amount of the copying; alternatives to the copying (e.g. content is available in library electronic resources); nature of the work; and the effect of the dealing on the work.

Guidelines:

1. Faculty and staff members at St Lawrence College 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. Short excerpt means one of the following, whichever is greater:
 - Up to 10% of a copyright-protected work (including a literary work, musical score, sound recording, and an audiovisual work).
 - One chapter from a book.
 - A single article from a periodical.
 - An entire artistic work (including a painting, print, photograph, diagram, drawing, map, chart, and plan) from a copyright-protected work containing other artistic works.
 - An entire newspaper article or page.
 - An entire single poem or musical score from a copyright-protected work containing other poems or musical scores.
 - An entire entry from an encyclopedia, annotated bibliography, dictionary or similar reference 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:
 - As a class handout.
 - As a posting to a learning or course management system that is password protected or otherwise restricted to students at a school or post-secondary educational institution.
 - As part of a course pack.
4. 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 the name of the creator of the 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 College 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. The Altmedia and Copyright Technician may assist in acquiring required licensing for the use of works that do not meet the Fair Dealing Policy.
8. 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.

9. The Copyright Act states that students with disabilities have the right by law to access educational material in an accessible format and in the same time frame that other students receive their material. To provide students with accessible formats, exceptions to this policy may apply for students who have an Alternative Media academic accommodation and who are registered with Student Wellness & Accessibility.

MONITORING

The Sr. Vice President Academic and Student Success is responsible for monitoring this policy.

NEXT POLICY REVISION DATE

September 2030

SPECIFIC LINKS

Copyright Act, R.S.C., 1985, c. C-42 (Link: <https://laws-lois.justice.gc.ca/eng/acts/c-42/>)

Exceptions, *Copyright Act*, R.S.C., 1985, c. C-42 (Link: <https://laws-lois.justice.gc.ca/eng/acts/C-42/page-7.html#h-103269>)

A guide to copyright, Canadian Intellectual Property Office (Link: <https://ised-isde.canada.ca/site/canadian-intellectual-property-office/en/guide-copyright>)

Library copyright hub (Link: <https://stlawrencecollege.libguides.com/copyright>)

Fair Dealing Works (Link: <https://fair-dealing.ca/>)

Protecting Balanced Copyright and User Choice: Safeguarding Educational Fair Dealing (Link: [CICan Copyright booklet Eng](#))