

AC409 Fair Dealing for Copyright-Protected Work Policy

Policy Title:	Fair Dealing for Copyright-Protected Work Policy
Policy Number:	AC409
Owner:	Vice-President, Student Affairs
Approved by:	College Executive Team
Effective Date:	Revised, June, 2020
Reference:	The Association of Canadian Community Colleges Fair Dealing Policy (August 30, 2012) Academic Policy Manual
Links to Other Policy:	Intellectual Property Policy

St. Lawrence College is committed to making our resources usable by all people, whatever their abilities or disabilities. This document will be made available in alternative format upon request.

BACKGROUND

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.

Definitions:

Copyright: The sole right to produce or reproduce a Work or substantial part thereof in any material form (print or digital) or to perform the work or substantial part thereof in public.

Fair Dealing: An exception to copyright infringement in the *Copyright Act*.

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

Short Excerpt:

- a. up to 10% 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
- g. an entire entry from an encyclopedia, annotated bibliography, dictionary or similar reference work

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 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.

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

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
 - c. as part of a course pack
4. A short excerpt means:
 - a. up to 10% 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
 - 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. The Copyright Officer may assist in acquiring required licensing for the use of works that do not meet the Fair Dealing Policy.

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.

MONITORING

This policy will be monitored by Library.

NEXT POLICY REVISION DATE

September 2025

SPECIFIC LINKS

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