

Policy Name: Copyright Administration
Approving Authority: Academic Council

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Statement

The Copyright Administration Policy of Beal University Canada (“BUC” or the “University”) provides guidelines and requirements of the usage of copyright protected materials to ensure all faculty, staff, and students adhere to the Copyright Act (Canada). The Academic Council will review this policy annually.

Purpose

The purpose of this policy is to define how the University manages its rights and obligations under Canada’s copyright law when copyright protected works in any media are used for a bona fide university teaching, learning, research, and administrative purpose.

Roles and Responsibilities

This policy applies University-wide to all faculty, staff, and students who reproduce and use copyright protected works in all media and formats in the course of University teaching, learning, research and administrative activities. The University Librarian is responsible for the implementation of related procedures, standards, and guidelines to support the Copyright Administration Policy. The Librarian has professional responsibility for coordinating compliance with copyright law and policy as well as the administration of copyright related activities University-wide. Libraries have responsibility for supporting and educating employees and students about copyright law, authors’ and users’ rights and how BUC manages copyright.

The Centre for Teaching and Learning (CTL) in cooperation with the Librarian has responsibility for monitoring and reporting on copying practices that take place on the University approved learning management system.

Information Technology Services has responsibility for administering provisions assigned by copyright law to Internet Service Providers and considering how educational technology features may help manage copyright compliance and administration.

University employees and students have responsibility for complying with Canada’s copyright law, this policy and its related copyright guideline document using the available institutional resources and services.

Policy

The University will manage a university-wide copyright program through the Librarian. The Librarian will work with other departments and units that currently or in future perform copyright related responsibilities, will provide leadership, coordinate and help administer the following copyright activities:

- Permissions and complaints,
- Advisory service,

- Education, training and outreach, and
- Policy and planning.

The University will negotiate, obtain all copyright permissions and licenses and pay copyright fees, when these are reasonable and required by law for teaching, research and learning materials used in the library system, online and in traditional courses. A central or program specific copyright clearance service will be delivered through the BUC Library. The Library will endeavor to maximize reciprocal reproduction and use rights for multiple purposes in print and digital form including library holdings, inter-library loan, and library reserves for both online and traditional course offerings.

The University Librarian will prepare and deliver presentations and workshops to engage and educate University creators and users of copyright protected works, as well as train the in-house network of professional staff of copyright regulations.

The University will manage copyright when using educational technology as well as its multi- function reproduction devices, which include photocopying, scanning and faxing capability. Information Technology Services will contribute its technical and functional analysis expertise and experience to advise on situations when copyrighted content is accessible through information technology systems as well as the use of open source, non-proprietary information technology applications.

The University will provide the institutional policy framework governing the copyright function and program, which is needed to systematically plan and coordinate copyright related matters university-wide, enabling business continuity and a single, consistent approach to copyright issues. The University Library will prepare and maintain copyright policy documents.

The University will establish the related institutional resources and administrative tools needed to support an effective copyright program, including a central copyright website, information circulars and guidelines, business processes and workflows, record-keeping and reporting systems, information technology systems and the means to measure and evaluate the quantity, value and effectiveness of copyright licensing and compliance. The University Library will develop and maintain such resources working with other departments as needed.

The University will encourage and promote using alternatives, such as Color Box or any product deemed necessary, to reduce the reliance on copyright protected works that require further permission or compensation.

The Copyright Act (Canada) includes additional education use exceptions that are relevant to the teaching and learning environment of the University. These guidelines only apply to the fair dealing exception in the Copyright Act (Canada). The education use exceptions are contained in [Section 29.4 of the Copyright Act of Canada](#).

The fair dealing provision in the Copyright Act (Canada) permits use of a copyright protected work without permission from the copyright owner or the payment of copyright royalties. To qualify for fair dealing, the following must exist:

1. The “dealing” must be for a purpose stated in the Copyright Act (Canada) as research, private study, criticism, review, news reporting, education, satire, and parody. Educational use of a copyright protected work complies with this requirement.

2. 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.

Fair Dealing is a right, within limits, to reproduce portions of copyrighted material without having to seek permission or pay the copyright owner. The Supreme Court in its judgments on copyright has upheld that fair dealing constitutes a user right balanced with the rights of the copyright holder. When determining if a copy is fair dealing, apply the six principal criteria for evaluating the dealing and consult the University Copyright Administration Policy.

1. the purpose of the proposed copying, including whether it is for education, research, private study, review, criticism, news reporting, parody or satire;
2. the character of the proposed copying, including whether it involves single or multiple copies, and whether the copy is destroyed after it is used for its specific intended purpose;
3. the amount or proportion of the work which is proposed to be copied and the importance of that work;
4. alternatives to copying the work, including whether there is a non-copyrighted equivalent available;
5. the nature of the work, including whether it is published or unpublished; and
6. the effect of the copying on the work, including whether the copy will compete with the commercial market of the original work.

These guidelines apply fair dealing in post-secondary educational institutions and provide reasonable safeguards for the owners of copyright protected works in accordance with the Copyright Act (Canada).

1. Teachers, instructors, professors and staff members in non-profit universities 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 or 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 must mention the source and, if given in the source, the name of the author or creator of the work.
3. A 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 the university
 - 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, provided that, in each case, no more of the work is copied than is required in order to achieve the allowable purpose.

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 the University Librarian. 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 University for communicating or copying a short excerpt from a copyright-protected work must cover only the costs to the University, including overhead costs.