

COPYRIGHT COMPLIANCE POLICY

This policy is the responsibility of the Academic Planning Committee and was approved by Faculty Senate on January 19, 2018.

POLICY OVERVIEW

This policy provides guidelines for the use of materials protected by copyright and outlines responsibilities of all users of copyright materials in determining what falls within the realm of fair dealing and what constitutes copyright infringement.

PRINCIPLES

This policy is guided by the principles of integrity and transparency.

SCOPE

This policy applies to all faculty of Briercrest College and Seminary.

POLICY STATEMENT

This policy applies to all materials protected by copyright, including, but not limited to, published works, art, photographs, audio-visual materials, music, and software. The principles and guidance laid out are based on the *Copyright Act* and various Supreme Court of Canada decisions.

DEFINITIONS

Public Domain: Works for which the term of copyright has expired. Generally, works enter the public domain 50 years following the end of the year in which the work's creator passed away.

Open Access: Freely available materials that can be copied and distributed for non-commercial purposes without permission from the copyright holder.

Creative Commons: Works that can be copied and distributed for non-commercial purposes, such as education, without permission from the copyright holder.

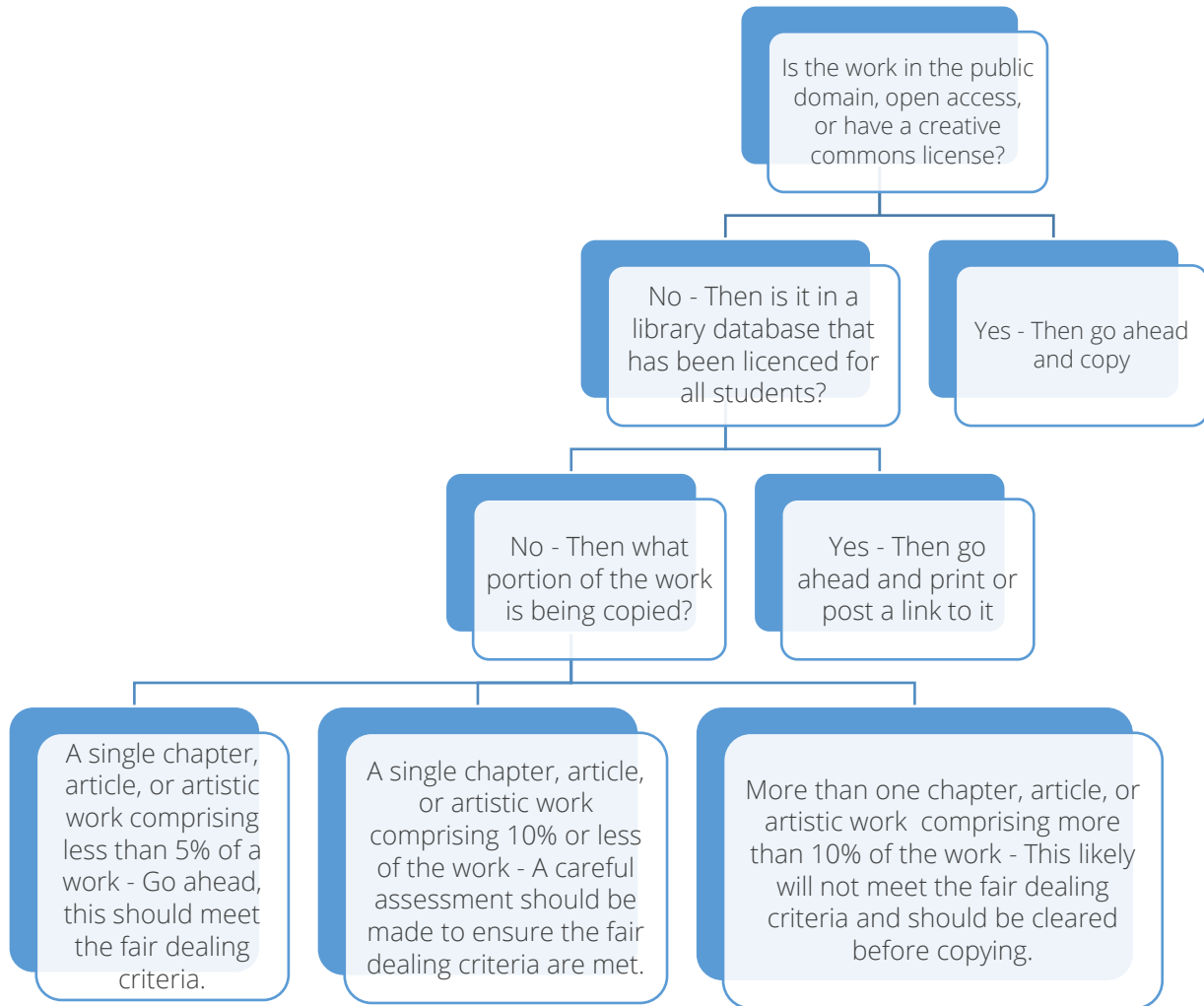
Fair Dealing: An exception in the Canadian *Copyright Act* that allows for the reproduction of portions of material protected by copyright without permission for the purposes of private study, research, criticism, review, news reporting, parody, satire, and education.

PROCEDURES

Guidelines for Fair Dealing:

- a. Faculty may copy in paper or electronic form short excerpts from a copyrighted work which includes literary works, musical scores, sound recordings, and audiovisual works, for the purpose of research, private study, criticism, news reporting, parody, satire, or education.
- b. A single copy of a short excerpt (defined below) from a work may be provided to each student registered in a course or program of academic study as a class handout or posted to Canvas and accessible only by students in the specific course or program.
- c. A short excerpt includes:
 - 10% of a work or no more than:
 - i. one chapter from a book;
 - ii. a single article from a periodical;
 - iii. an entire artistic work from a copyrighted work containing other artistic works;
 - iv. an entire newspaper article or page;
 - v. an entire single poem or musical score from a work containing other poems or musical scores;
 - vi. an entire entry from an encyclopedia, annotated bibliography, dictionary, or similar reference work.
- d. Copies of short excerpts must be made from one copy of a work that has been legally acquired by either Briercrest or a faculty member.
- e. Any fee charge by Briercrest for copying must not exceed the costs, including overhead, of making the copy.
- f. Where copying is allowed by the fair dealing exception, a faculty member must not copy multiple short excerpts from the same source.
- g. Include citations with all copyrighted materials distributed in your courses, including images in all PowerPoint or other slides distributed to students. (Image citations can be listed at the start of end of slides.) The citation must include the source and, if available, the creator.

The following flow chart provides a guide for determining how to legally distribute copyrighted works to students in your courses and if those works require permission from the copyright holder.



In addition, consider the following fair dealing factors before copying:

Purpose of Use

1	2	3	4	5
Commercial				Educational

Character of the Dealing

1	2	3	4	5
Multiple copies, wide distribution, repeated use				single copy, limited distribution, one-time use



Significance/Amount of Work Copied

1	2	3	4	5
entire work/ significant excerpt				limited/ trivial amount

Effect on the Original Work

1	2	3	4	5
competing with the original work				no detriment to original

Nature of the Work*

1	2	3	4	5
confidential/ unpublished				published in the public interest

Available Alternatives

1	2	3	4	5
Non-copyright works available, not necessary for purpose				no alternative works, necessary to achieve purpose

*Consider whether a work was published for profit or dissemination of knowledge.

Considerations for non-print materials:

Audio recordings: Sound recordings can be played in an educational institution without an additional public performance license as long as it is used for the purpose of education, the audience is students, and no profit is gained. The recording must be a legal, commercial copy. However, you must have permission to reproduce a song that you did not create.

Films: Audio-visual works may be shown to students on the campus as long as the recording is a legal, commercial copy played for the purpose of education, the audience is students, and no profit is made.

Note: The guidelines above do not constitute legal advice, but provide guidelines for using works for educational purposes.

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APPENDIX A

Related Forms/Policies	
Where is this policy published	Faculty Handbook, Hub
Contact Information	Library Director

