

POLICY: Copyright, Intellectual Property, and Fair Dealing Policy		POLICY NUMBER: AC-012-A1
		PREVIOUS/REPLACES: Student Manual
APPROVED BY: Academic Council	EFFECTIVE DATE AS OF: November 1, 2021	PRIOR VERSIONS: August 2020

1. Policy Statement

These guidelines relate to the use of intellectual property (IP) owned by others as well as the generation of IP by staff, faculty, and students.

2. Scope

This policy applies to all students, faculty, and staff.

3. Policy Content

1. Definitions

2. **Fair Dealing** - 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, two tests must be passed.

3. Staff, students, and faculty use of intellectual property owned by others.

- a. Any use of Fair Dealing must be for a purpose stated in the Copyright Act (Canada): research, private study, criticism, review, news reporting, education, satire, and parody. Educational use of a copyright protected work passes the first test.
- b. The second test is that the dealing must be “fair.” Fair use of copyrighted material is outlined in the Procedure section below.
- c. These guidelines apply to fair dealing in post-secondary educational institutions and provide reasonable safeguards for the owners of copyright protected works in accordance with the Copyright Act.
- d. Students, faculty, and staff members in 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.
- e. Copying or communicating short excerpts from a copyright protected work under these Fair Dealing Guidelines 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.

- f. 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:
 - i. As a class handout.
 - ii. As a posting to a learning or course management system that is password protected or otherwise restricted to students enrolled in a school or post-secondary educational institution.
 - iii. As part of a course pack.
 - iv. A short excerpt means:
 - Up to 10 per cent 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.
- g. 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.
- h. Copying or communicating that exceeds the limits in these Fair Dealing Guidelines 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.
- i. 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.

4. Intellectual Property created by students, staff, and faculty

- a. While original intellectual property created by the student will remain their property students must reference and, if applicable, obtain permission for the use of all published and unpublished work, including data, source material, methodologies, findings, graphs, and images. Students must report

all claims of intellectual property infringement, or unauthorized use of intellectual property, of which they become aware and disclosing this information to the student's direct faculty member or supervisor.

- b. Faculty who create intellectual property will retain its rights other than when specifically compensated to do so or such intellectual property creation is part of their job description. Intellectual property created by all other employees (non-academic) will become the property of the College, as it was created as part of those individuals' employment with the College.
- i. Faculty engaged in course content development must negotiate an agreement regarding ownership and compensation separately from their employment as faculty.
- c. If a student is an employee of the institution, the employment contract will specify ownership of all IP generated in the course of their employment.
- d. In relation to work completed jointly by a student and an employee of the college, specific ownership will be determined by the amount of substantive work applied to the project.

4. Administration

The Campus President and the Academic Dean will oversee the administration and enforcement of this policy.

5. Review

This policy will be reviewed as required by the Academic Council in 2025.

6. Reference

- Copyright, Fair Dealing, and the classroom:
https://cmec.ca/docs/copyright/CopyrightFairDealingClassroom_EN.pdf

7. Definition