

190 COPYRIGHT AND SCHOOLS

Background

The Division believes in the rights of creators and undertakes to ensure employees are aware of and uphold these rights as required by the Copyright Act of Canada. At the same time, the Division recognizes the need for students to have access to a wide range of educational resources. These procedures are intended to set limits within which employees may copy and distribute copyrighted materials.

The Division will not accept responsibility for an employee who willfully and knowingly contravenes the Copyright Act.

Definitions

In these procedures:

Copyright

The legal protection of a creator's original work. Copyright law does not protect ideas, only the form in which they are expressed.

Copyright infringement

Publishing, adapting, exhibiting, translating, editing, performing in public, communicating by telecommunication, copying or converting to another medium without permission of the creator.

Works covered by copyright

All original literary, dramatic, musical and artistic works.

Examples include: books, writing, encyclopedias, photographs, films, dictionaries, statistical data, newspapers, reviews, magazines, translations, tables, compilations, examination questions, speeches set down in writing, any piece that can be recited, choreographed, harmony, melody, lyrics, paintings, drawings, sculptures, works of artistic craftsmanship, engravings, architectural works of art, maps, plans, charts, records, tapes, sound recordings, television programs and electronic resources such as computer software, on-line programs, CD-ROM's, laser disks and computer programs stored on any media.

Dubbed off-air

Making a copy of any television program during broadcast.

Procedures

1. All administrators, teachers, staff and students will be made aware of current copyright laws and regulations and will follow current legislation as it applies to the use of copyright-protected materials.
2. Fair Dealing Guidelines will be reviewed annually in a staff meeting and a copy of the guidelines will be posted by all photocopiers and provided to staff.
3. Division employees shall observe and follow current copyright legislation as it pertains to the copying and/or use of print materials for use in the classroom.
4. Any dubbing, copying or downloading of materials/resources will be done in harmony with ethical and/or legal restrictions.
5. Classroom use of audio-visual resources shall be in harmony with current legislation.
6. The Division or school will maintain public performance licenses, as necessary, to cover the use of digital resources and screenings of commercial films and audio-visual resources for non-educational purposes.
7. Unlicensed software is not to be installed on division-owned technology.
8. Teachers and other staff members 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.
9. Copying or communicating short excerpts from a copyright-protected work under these Fair Dealing Guidelines 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.
10. 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 coursepack.
11. A short excerpt means:
 - a. Up to ten percent (10%) of a copyright-protected work (including a literary work, musical score, sound recording, and an audiovisual work);

- b. One (1) 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.
12. 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.
13. 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.
14. 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.

References

Section 18, 20, 60, 61, 113 School Act
Copyright Act
Copyright Modernization Act
Council of Ministers of Education (CMEC) Copyright Consortium Guidelines
Copyright Decision Tool
Copyright Matters!

History

Developed: August 2003
Amended: January 2020