



# COLLEGE OF THE NORTH ATLANTIC

## OPERATIONAL PROCEDURE

### TOPIC: COPYRIGHT

<b>Procedure No.</b>	AC-118-PR	<b>Division</b>	Academics
<b>Supersedes</b>	n/a	<b>Board Policy Ref.</b>	n/a
<b>Related Policy</b>	AC-118	<b>Effective Date</b>	November 4, 2016 (R1)

## PROCEDURE

### 1.0 Preamble

College of the North Atlantic (CNA) requires all employees and students to respect the intellectual property rights of others because infringing on copyright is unethical and illegal. A breach of copyright law can have serious legal and financial consequences.

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, or parody. Educational use of a copyright-protected work passes the first test.

The second test is that the dealing must be “fair”. The Supreme Court of Canada has provided direction as to what this test means in schools and post-secondary educational institutions.

### 2.0 Fair Dealing Guidelines

2.1 All employees and students 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 or parody.

- 2.2 Copying or communicating short excerpts from a copyright-protected work under this 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.
- 2.3 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; and/or
  - c) As part of a course pack.
- 2.4 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; and/or
  - g) An entire entry from an encyclopedia, annotated bibliography, dictionary or similar reference work.

- 2.5 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.
- 2.6 Copying or communicating that exceeds the limits in this 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.
- 2.7 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 incurred by the institution, including overhead costs.

### **3.0 Interpreting CNA Copyright Policy (AC-118)**

Employees and/or students of the College may call on Library Services staff members to advise on the application of the Copyright Policy (AC-118). For matters that require expert advice, or where copying or communicating may exceed the limits in the Copyright Policy, Library staff will direct queries to the Vice President, Student Engagement.

#### **3.1 Library Reserves**

Library Services staff members must ensure that materials selected for reserves meet the College Copyright Policy guidelines.

#### **3.2 Provision of Alternate Format Materials and Reproduction of Entire Text**

##### **A. Commercially Available Textbooks in Alternate Format**

Commercially-available textbooks in alternate formats may be provided to individual students with a related documented disability with express prior written permission from the publisher. Neither CNA employees nor students are permitted to further reproduce, use, sell, transmit, publish, broadcast, or otherwise disseminate or distribute the file (or any version modified for accessibility purposes).

B. Non-commercially Available Textbooks in Alternate Format

When alternate format of texts are not commercially available (i.e. they cannot be located with reasonable effort on the Canadian market within a reasonable time and for a reasonable price) students are permitted to scan personal copies of textbooks which they have purchased.

C. In-House Teaching Materials

CNA employees must ensure that in-house produced documents intended for distribution or sale to students adhere to the “fair dealing” guidelines stated in section two (2) of this procedure.

Approval History	
Approved by President	February 19, 2016
Revision 1	November 4, 2016