



YORK CATHOLIC DISTRICT SCHOOL BOARD

BOARD POLICY	
<i>Policy Section</i> Governance	<i>Policy Number</i> 116
<i>Former Policy #</i>	<i>Page</i> 1 of 6
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POLICY TITLE: COPYRIGHT

SECTION A

1. PURPOSE

The York Catholic District School Board (YCDSB) respects and recognizes the copyright property of others. This policy is to clarify the procedures and guidelines to ensure compliance with copyright matters.

This policy applies to all members of the York Catholic District School Board community who reproduce and use copyright protected works in all media and formats in the course of teaching, learning, research, administration, and other activities directly related to or arising out of the operations of the Board.

2. POLICY STATEMENT

It is the policy of the York Catholic District School Board to comply with the Fair Dealing Guidelines as developed by the Council of Ministers of Education Canada (CMEC) Copyright Consortium and all other relevant legislation.

3. PARAMETERS

- 3.1 The York Catholic District School Board will communicate the Fair Dealing Guidelines to the system on an annual basis in order to ensure that all employees understand the obligations of the school board in accordance with the *Copyright Modernization Act* and all other relevant legislation.
- 3.2 This policy sets out the rules for the copying or use of copyright-protected work. Copyright protected work includes, but is not limited to, books, periodicals, dramatic and musical compositions, digital media publications (i.e.: films, photographs, pictorial illustrations), web sites, and computer software.
- 3.3 Copyright rules apply to the Board of Trustees, all YCDSB employees, students and all members of the YCDSB Community.
- 3.4 The Board of Trustees, employees and students may reproduce/photocopy work that is Copyright protected within the approved Fair Dealing Guidelines.

- 3.5 Copyright violations are contrary to law and may put the Board at risk of legal action by copyright owners. The Board will pursue incidents of non-compliance internally. Students who use a copyright protected work in violation of this policy may be disciplined under the Board's Student Code of Conduct and/or Acceptable use of Technology policies.

4. RESPONSIBILITIES

4.1 Trustee

- 4.1.1 To comply with the Copyright Policy and guidelines.

4.2 Director of Education

- 4.2.1 To comply and oversee compliance with the Copyright Policy and guidelines.
- 4.2.2 To ensure that the policy and guidelines adhere to the *Copyright Modernization Act* and all other relevant legislation.

4.3 Senior Administration/Central Level Managers

- 4.3.1 To comply with the Copyright Policy and guidelines.
- 4.3.2 To annually communicate the Fair Dealing Guidelines to all schools or departments, as set out in this policy and guidelines.

4.4 Employees

- 4.4.1 To comply with and ensure that the Copyright policy and guidelines are reviewed and adhered to when photocopying.

4.5 Principals

- 4.5.1 To comply with and annually communicate the Fair Dealing Guidelines to all staff and all members of the YCDSB Community, as set out in this policy.

4.6 Teachers

- 4.6.1 To comply with and ensure that students are aware of the Fair Dealing Guidelines informing them of their responsibilities in the use of materials and advocate that students act with this responsibility in mind.

5. DEFINITIONS

5.1 Author

The creator of the work.

5.2 Copyright

A form of intellectual property law, protecting the original works of authorship including literary, dramatic, musical, digital media and artistic works.

5.3 Copyright Infringement

The act of violating any of a copyright owner's exclusive rights granted by the *Copyright Act*. A copyright owner has several exclusive rights in copyrighted works, including the rights:

- 5.3.1 To produce the work;
- 5.3.2 To prepare derivative works based on the original work;
- 5.3.3 To distribute copies of the work;
- 5.3.4 For certain kinds of works, such as sound recordings, to perform the work publicly;

- 5.3.5 For certain kinds of works, to display the work publicly;
- 5.3.6 To import into Canada copies acquired elsewhere; and,
- 5.3.7 To authorize others to exercise any of the rights.

Direct Infringement

Directly violating a right under the *Copyright Act* by doing any of the things or exercising any of the rights that only the copyright owner may do, without the copyright owner's permission.

Indirect Infringement

Dealings with infringing copies by means of sale or rent, distribution, and importation.

5.4 Copyright Owner

One who holds exclusive rights to copyright protected works.

5.5 Copyright Protected Work

A creative work containing the original expression of an idea;

- 5.5.1 That is fixed by means of recording or expressed in some material form of more or less permanent endurance; and,
- 5.5.2 The author is a citizen or is ordinarily resident in Canada or another treaty country as defined in the *Copyright Act*.

5.6 Digital Media

Digitized content that can be transmitted over the internet or computer networks. This can include, but is not limited to, text, audio, video, and graphics. This means that news from a TV network, newspaper, magazine, etc. that is presented on a Web site or blog can be included in this category.

5.7 Fair Dealing

A user's right to make a copy of a work without the copyright owner's permission or payment of royalties. Fair dealing must be for the purpose of research, private study, education, parody, satire, criticism or review, or news reporting. It must also be "fair", taking into account the purpose of the copying, the character of the copying, the amount of the work copied, alternatives to copying, the nature of the work, and the effect of the copying on the work.

5.8 York Catholic District Scholl Board (YCDSB) Community

An individual or group of individuals that hold a vested interest in the school community.

6. CROSS REFERENCES

Canadian Copyright Act

Copyright Modernization Act, Bill C-11

Fair Dealing Guidelines – Council of Ministers of Education Canada (CMEC) Copyright Consortium

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SECTION B: GUIDELINES

1. INTRODUCTION

The fair dealing provision in the *Canadian 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 i.e.*: research, private study, criticism, review, news reporting, education, satire and parody. Educational use of a copyright-protected work passes the first test.

The second test is that 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. This provision permits use of a copyright-protected work without permission from the copyright owner or the payment of copyright royalties provided that the purpose is intended for research, private study, criticism, review, news reporting, education, satire, and parody.

These guidelines apply to fair dealing in non-profit K-12 schools and provide reasonable safeguards for the owners of copyright-protected works in accordance with the *Copyright Act* and the Supreme Court decisions.

2. GUIDELINES

- 2.1 The Board of Trustees, employees, students and all members of the York Catholic District School Board (YCDSB) Community may communicate and reproduce, in paper or digital form, short excerpts from a copyright-protected work for the purposes of, but not limited to, research, private study, criticism, review, news reporting, education, satire and parody.
- 2.2 Copying or communicating short excerpts from a copyright-protected work under these Fair Dealing Guidelines for the purpose of news reporting, criticism or reviews 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:
 - 2.3.1 As a handout;
 - 2.3.2 As a posting to a learning or course management system that is password protected or otherwise restricted to students of a school;
 - 2.3.3 As part of a course pack.
- 2.4 A short excerpt means:
 - 2.4.1 Up to 10% from any copyright-protected work (including a literary work, musical score, sound recording, and an audiovisual work);
 - 2.4.2 One chapter from a book;
 - 2.4.3 A single article from a periodical;
 - 2.4.4 An entire artistic work (including a painting, print, photograph, diagram, drawing, map, chart, and plan) from a copyright-protected work

- containing other artistic works;
 - 2.4.5 An entire newspaper article or page;
 - 2.4.6 An entire single poem or musical score from a copyright-protected work containing other poems or musical scores;
 - 2.4.7 An entire entry from an encyclopaedia, 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 the *Fair Dealing Guidelines* may be referred to the Curriculum Department 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 of the institution, including overhead costs.