

POLICY

CATEGORY	A General	
SUBJECT	Fair Dealing	
POLICY NUMBER	A30	
CROSS REFERENCE	A29 Use of Copyrighted Material	
ADMINISTRATIVE SERVICES COMMITTEE		ACADEMIC COUNCIL
		April 10, 2018
POLICY STATEMENT		
<p>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.</p> <p>First, the "dealing" must be for a purpose stated in the <i>Copyright Act</i>: research, private study, criticism, review, news reporting, education, satire, and parody. Educational use of a copyright-protected work passes the first test.</p> <p>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 and post-secondary educational institutions.</p>		
DEFINITIONS		
<p>For the purpose of this policy and associated procedures, the following definitions apply:</p> <p>a) Author: The person(s) who created and fixed the form of the copyrighted work, normally the first owner(s) of copyright in the work</p> <p>b) Copyright Act/Copyright Laws: A federal Act governing matters related to copyright, including regulations thereunder, including case law which interprets the <i>Copyright Act</i></p> <p>c) Copyrighted Material/Work: Any original literary, dramatic, musical, or artistic work created with skill and judgment and fixed in tangible form</p> <p>"Original literary, dramatic, musical, and artistic work" includes every original production in the literary, scientific, or artistic domain, whatever may be the mode or form of its expression, such as compilations, books, pamphlets and other writings, lectures, dramatic or dramatico-musical works, musical works, translations, illustrations, sketches, and plastic works.</p> <p>d) Copyright Owner/ Rightsholder: The legal owner of a copyrighted work who can assert the rights of ownership.</p>		
GUIDELINES		
<ol style="list-style-type: none"> Instructors and staff members employed by Olds College may communicate and reproduce, in paper or electronic form, short excerpts from a copyright-protected work for the purposes of research, criticism, review, news reporting, education, satire and parody. Copying or communicating short excerpts from a copyright-protected work under this Fair Dealing Policy should mention the source and, if given in the source, the name of the author or creator of the work. 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 enrolled in an Olds College course.
 - c. as part of a course pack.
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

PROCEDURES

1. Copying or communicating that exceeds the limits in this Fair Dealing Policy may be referred to a supervisor or other person designated by Olds College 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. Any fee charged by Olds College 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.

IMPLEMENTATION AND ADMINISTRATIVE RESPONSIBILITY

VICE PRESIDENT Responsible for:	Academic
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REVIEW PERIOD:	5 Years
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PROCEDURE

SUBJECT AND POLICY NUMBER:	
VICE PRESIDENT Sign Off Date:	

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APPENDIX A

SUBJECT AND POLICY NUMBER:	
VICE PRESIDENT Sign Off Date:	

APPENDIX B

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