

**TYPE:** Administrative  
**TITLE:** Copyright  
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**RESPONSIBILITY:** Vice President, Academic and Students  
**APPROVED BY:** Durham College Leadership Team  
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## **1. Introduction**

The use of copyright-protected work is a common practice in post-secondary institutions to support scholarly teaching and learning and the College's activities. Durham College (DC) is committed to implementing consistent and accountable practices that demonstrate compliance with the Copyright Act and DC's licence agreements with third-party vendors.

## **2. Purpose**

The purpose of this policy and procedure is to provide guidance to current DC employees and students about compliance with copyright obligations.

## **3. Definitions**

Refer to [Durham College's Standard Definitions](#).

## **4. Policy statements**

- 4.1. DC is committed to full compliance with copyright law and the provisions of licence agreements with any third-party vendors governing the use of copyright-protected works.
- 4.2. Employees and students will inform themselves of their obligations under the Copyright Act by using the available institutional resources and services provided by the Campus Library.
- 4.3. This policy and procedure will be highlighted to new faculty during the onboarding process with the Centre for Teaching and Learning, and Human Resources will provide a link to all college policies for new non-faculty employees during the onboarding process.
- 4.4. The Campus Store will review all requests for custom course packs for compliance with any applicable licence provisions and submit reports as required about custom course packs made.

- 4.5. Current employees and students may communicate and reproduce, in paper or electronic form, short excerpts from a copyright-protected work for research, private study, criticism review, news reporting, education, satire, and parody.
- 4.6. DC will communicate with its employees and students about copyright obligations, including what materials can be reproduced, copied, distributed, or sold within the College.

## 5. Procedure

Access and use of copyrighted materials take on different forms and expectations across a range of courses. This procedure is intended to provide direction in as many situations as possible, however where there is uncertainty on how to fairly use materials or request permission from a copyright holder, email the Campus Library at [copyright@durhamcollege.ca](mailto:copyright@durhamcollege.ca) for support.

### 5.1. Fair Dealing

- 5.1.1. The fair dealing provision in the Copyright Act permits the use of copyright-protected work without permission from the copyright owner or the payment of licensing fees.

To qualify for fair dealing, two tests must be passed:

- 1. The dealing must be for a purpose stated in the Copyright Act: research, private study, criticism, review, news reporting, education, satire, and parody. Educational use of copyright-protected work passes the first test.
  - 2. The second test is that the dealing must be fair. The Copyright Act does not define fairness; instead, fairness is assessed based on the facts of each case. The Supreme Court of Canada has defined six factors to consider when assessing fairness: purpose; character; amount; nature; effect; and alternatives to the dealing.
- 5.1.2. Under fair dealing, a single copy of a short excerpt from a copyright-protected work may be used as outlined below, except where licensing terms prohibit their use:
    - 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 DC; or
    - c) as part of a course pack.

- d) For eResources it is always best practice to [link to a resource](#) rather than download or embed.

5.1.3. Examples of a short excerpt may include but are not limited to:

- a) up to 10 percent of a copyright-protected work (including a literary work, musical score, sound recording, and audiovisual work);
- b) one chapter of a book or 10 percent of a book; whichever is greater;
- c) a single article from a periodical, per periodical issue;
- d) an entire artistic work (including a painting, print, 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; or
- h) publicly accessible online material as long as it is posted by or with the consent of the copyright owner, does not require entering a password or bypassing a paywall, and/or does not have a notice prohibiting the intended use.

5.1.4. 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 without permission from the copyright holder.

5.1.5. Information on how to request permission from a copyright holder can be obtained by emailing the Campus Library at [copyright@durhamcollege.ca](mailto:copyright@durhamcollege.ca).

5.2. Licence Agreements with Third-Party Vendors

5.2.1. DC has licence agreements with third-party vendors for copyright-protected works available through the Campus Library. Licensing information and reuse instructions for current employees and students are available on the [Campus Library website](#).

5.2.2. If licence and reuse information for the desired work are not readily

available on the Campus Library website, please refer to Section 5.3.

### 5.3. Permissions and Licensing Inquiries

- 5.3.1. If the desired work is not available in the Campus Library collection, employees and students may consult with the Campus Library at [copyright@durhamcollege.ca](mailto:copyright@durhamcollege.ca) for other ways to access and use copyright-protected work, such as open educational resources.

### 5.4. Reporting Mechanism

- 5.4.1. Students and employees must report any real, perceived, or believed infraction of this policy and procedure to the Campus Library at [copyright@durhamcollege.ca](mailto:copyright@durhamcollege.ca). The Campus Library will provide a copy of the reports to the Office of the Vice President, Academic and Students.

### 5.5. Copyright Violations

- 5.5.1. Substantiated violations of this policy and procedure, depending upon the severity of the situation and its impact on the institution, may involve sanctions. Possible sanctions may include verbal/written warnings, rescinding of College services, removal of materials from computer equipment and networks, denial of the use of copyright-protected material in the academic environment, restitution of costs associated with copyright material, disciplinary directives, expulsion, suspension, or dismissal from the College.

## 6. Accessibility for Ontarians with Disabilities Act considerations

Accessibility for Ontarians with Disabilities Act (AODA) standards have been considered in the development of this policy and procedure and it adheres to the principles outlined in the College's commitment to accessibility as demonstrated by the Multi-Year Accessibility Plan.

## 7. Non-compliance implications

Non-compliance with this policy could include a negative impact on the College's finances, damage to the College's reputation, or potential legal action against the College.

## 8. Related forms, legislation or external resources

- Durham College Copyright Guidelines
- Copyright Decision Tree
- Copyright Act
- Access Copyright Title Search and Permissions Tool