

TYPE:	Administrative
TITLE:	Copyright
NO.:	ACAD-122
RESPONSIBILITY:	Chief Administrative Officer + Executive Vice-President, Academic
APPROVED BY:	Durham College Leadership Team
EFFECTIVE DATE:	May 2022
REVISED DATE(S):	
REVIEW DATE:	May 2025

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 license agreements with third-party vendors, including [Access Copyright](#).

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 license agreements with any third-party vendors governing the use of copyright-protected works.
- 4.2. 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.
- 4.3. DC will communicate with its employees and students about copyright obligations, including what materials can be reproduced, copied, distributed, or sold within the College.
- 4.4. Employees and students will inform themselves of their obligations under the Copyright Act using available institutional resources and services provided by the Campus Library.

5. Procedure

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:

- 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.

- 5.1.3. A short excerpt may mean:

- a) up to 10 percent of a copyright-protected work (including a literary work, musical score, sound recording, and audiovisual work);
- b) one chapter from a book;
- c) a single article from a periodical;
- 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; or

- g) an entire entry from an encyclopedia, annotated bibliography, dictionary, or similar reference work.
- 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.
- 5.2. License Agreements with Third-Party Vendors
 - 5.2.1. DC has license 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 license and reuse information for the desired work are not readily available on the Campus Library website, please refer to Section 5.3.
- 5.3. Access Copyright
 - 5.3.1. DC has an agreement with Access Copyright which provides access to a repertoire of copyright-protected work. Employees and students may use the Access Copyright Title Search and Permissions Tool available on Access Copyright's website to determine if the desired work is in the Access Copyright repertoire.
 - 5.3.2. Under Access Copyright, current employees and students may copy up to 20 percent of a repertoire work or make a copy of a repertoire work that is:
 - An entire article, short story, play, essay or poem, or reproduction of an artistic work from a volume containing other published works;
 - An entire article or page from a newspaper or periodical;
 - An entire entry from an encyclopedia or similar reference work or an entire reproduction of an artistic work from a publication; or
 - One chapter of a book provided the chapter is no more than 25 percent of that book.
 - 5.3.3. If the work is found in the repertoire and a current employee or student wants to use more than 20 percent of the work, permission must be requested from Access Copyright.

5.3.4. If the work cannot be located in either the Access Copyright repertoire or on the Campus Library website, and fair dealing cannot be applied, refer to Section 5.4.

5.4. Permissions and Licensing Inquiries

5.4.1. If the desired work is not available in the Campus Library collection or in the Access Copyright repertoire, employees and students may consult with the Campus Library at copyright@durhamcollege.ca for other ways to access and use copyright-protected work, such as open educational resources.

5.5. Reporting Mechanism

5.5.1. Students and employees must report any real, perceived, or believed infraction of this policy and procedure to the Campus Library at copyright@durhamcollege.ca.

5.6. Copyright Violations

5.6.1. 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. Roles and responsibilities

6.1. It is the responsibility of the Chief Administrative Officer and Executive Vice-President, Academic, to ensure this policy and procedure is fully implemented.

6.2. It is the responsibility of current employees and students to inform themselves of their obligations under the Copyright Act using the available institutional resources and services provided by the Campus Library.

6.3. It is the responsibility of the Copyright Committee to:

- review and revise the Copyright policy and procedure when required, at the direction of the Chief Administrative Officer and Executive Vice-President, Academic;
- facilitate activities to support increasing awareness of copyright obligations at DC;
- review the contract with Access Copyright and make a recommendation on license renewal to the Durham College Leadership Team; and,

- ensure reports are submitted to Access Copyright when required.
- 6.4. It is the responsibility of the Centre for Teaching and Learning to highlight this policy and procedure to all faculty during the faculty onboarding process.
 - 6.5. It is the responsibility of the Human Resources and Equity Department to highlight this policy and procedure to all non-academic employees during the onboarding process.
 - 6.6. It is the responsibility of the Bookstore to review all requests for custom course packs for compliance with the license provisions of Access Copyright and to submit quarterly reports on the custom course packs made.
 - 6.7. It is the responsibility of the Campus Library to provide guidance and maintain informational resources on the Copyright Act, Access Copyright license, and other licenses and to suggest when permission from the copyright holder may be required. It is also the responsibility of the Campus Library to receive reports of any real, perceived, or believed infractions of this policy and procedure and to act and/or forward the report to the appropriate contact at the College for investigation.

7. 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.

8. 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.

9. Related forms, legislation or external resources

- [Durham College Copyright Guidelines](#)
- [Copyright Act](#)
- [Access Copyright Title Search and Permissions Tool](#)