

**ST. CLAIR CATHOLIC DISTRICT SCHOOL BOARD
POLICIES AND PROCEDURES
SECTION B: ADMINISTRATION**

COPYRIGHT: FAIR DEALING GUIDELINES	PROCEDURE
EFFECTIVE: 2012 11 13 / 2018 11 27	

APPLICABLE REFERENCES:

- Policy – Copyright: Fair Dealing Guidelines
- Copyright Modernization Act
- Fair Dealing Guidelines – Council of Ministers of Education Canada (CMEC) Copyright Consortium

ADMINISTRATIVE PROCEDURES:

1.0 Responsibility

- 1.1 The Manager – Information Services or designate will communicate these procedures on an annual basis to all staff.
- 1.2 The Manager – Information Services will provide Fair Dealing Guidelines to be posted in a visible location at each photocopier.

2.0 Expectations

- 2.1 Teachers and staff members 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 and parody.
- 2.2 Copying or communicating short excerpts from a copyright-protected work under these procedures 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;
 - 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 (including newspapers, magazines and academic journals);

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- 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, not an entire stand-alone image;
 - e. an entire single poem or musical score from a copyright-protected work containing other poems or musical scores
 - f. an entire entry from an encyclopedia, annotated bibliography, dictionary or similar reference work
- 2.5 You can reproduce an entire work from the Internet (e.g. website content such as an image or text) and communicate it to your students as long as you are not breaking a technological protection measure and there is no “clearly visible notice” prohibiting copying.
- 2.6 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 these procedures shall be referred to a supervisor (i.e. Superintendent, Principal, and Manager). 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 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.

3.0 Additional Information

- 3.1 The St. Clair Catholic District School Board is committed to the principles of equity and inclusive education, consistent with our Catholic teachings, which value and promote human rights and social justice in all Board policies, programs, guidelines, operations and practices.

DEFINITIONS:

Fair Dealing – A user’s right outlined in the Copyright Act that identifies allowable purposes (or dealings) for the use of copyright protected materials without permission or payment of copyright royalties.

Technological protection measure – a system put in place by the owner of a piece of copyright material which can be used to restrict access to the piece of copyright material. (Examples include passwords and regional encoding.)