

A08.01.02 FAIR DEALING

Effective Date: October 9, 2012	New: X
Replaced:	Revision

Purpose

This policy states the College's commitment to the 'Fair Dealing' provision in the *Copyright Act* which permits limited use of a copyright-protected work without the permission from the copyright owner or the payment of copyright royalties.

Policy Statement

This Fair Dealing Policy applies fair dealing to Douglas College, a post-secondary educational institution and provides reasonable safeguards for the owners of copyright-protected works in accordance with the *Copyright Act* and the Supreme Court decisions.

The College will provide information and training on Fair Dealing guidelines and copyright compliance and will monitor materials, performing random audits to ensure compliance standards are met.

It is the responsibility of Douglas College employees, students and users to follow the law and regulations pertaining to Fair Dealing limitations and the *Copyright Act* and ensure materials used for educational purposes fall within 'Fair Dealing' guidelines.

Related Policies, Legislation and Regulations

[A08.01.01 College Use of Copyrighted Works](#)

Copyright Board of Canada – Copyright Act www.cb-cda.gc.ca

Procedures

1. Douglas College employees, students and users 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. 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 Douglas College students
 - c. As part of a Coursepack
3. 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
 - 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
 - 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
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.
 5. Copying or communicating that exceeds the limits in this Fair Dealing Policy must be referred for evaluation to the designated persons at Douglas College responsible for copyright as follows:
 - Manager, Facilities Services responsible for the Bookstores, Print Shop and Print Materials.
 - Director of Learning Resources for all Library Reserves.
 - Manager of Client & Learning Services for Audio/Visual Recording, online content used for instructional purposes and Computer Software (including software site licences).
 6. 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.
 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 College, including overhead costs.

This policy will be reviewed, as needed, to reflect changing copyright legislation.