



Title	Copyright - Fair Dealing Policy
Policy Area	College Systems and Resources
Policy Number <i>(to be assigned by Information Services)</i>	E.5.5
See also <i>(related policies)</i>	

Effective Date of Policy:	November 10, 2012
Approval Date:	November 9, 2012
Applies to:	Board members, staff and students
Approving Body:	President
Supersedes/New:	New
Authority	<i>College and Institute Act</i>

The following are responsible for the administration of this policy,

Primary Office	Contact
Library Services	Director, Library Services

Policy Statement

- 1.0 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.
- 2.0 First, 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 a copyright-protected work passes the first test.
- 3.0 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.
- 4.0 The Fair Dealing Policy applies fair dealing in non-profit K-12 schools and post-secondary educational institutions and provides reasonable safeguards for the

owners of copyright-protected works in accordance with the *Copyright Act* and the Supreme Court decisions.

Policy Details

Guidelines

- 5.0 Instructors, professors and staff members at Okanagan College 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, or parody.
- 6.0 Copying or communicating short excerpts from a copyright-protected work under this Fair Dealing Policy 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.
- 7.0 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 the College
 - (c) As part of a course pack.
- 8.0 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
- 9.0 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.
- 10.0 Copying or communicating that exceeds the limits in this Fair Dealing Policy may be referred to the Director, Library Services or other person designated by the 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.
- 11.0 Any fee charged by the College 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.