

Copyright	
Category: Administrative	Approval Date: March 10, 2021
Policy Owner: Vice President Academic and Research	Effective Date: April 1, 2021
Policy Administrator: Dean, Library and Student Supports Division	Review Period: 5 years
Recommended by: Deans' Council upon recommendation from Service Council	
Associated Documents: RDC Copyright Guide	

PURPOSE

This policy:

- states the College’s position on the interpretation and application of the *Copyright Act* and related laws and regulations;
- states the College’s position on the legal use of copyright materials by the College community, including employees and students;
- serves to limit the potential legal liability of the College and its employees for copyright infringement through the exercise of due diligence in use of copyright material;
- serves to maximize the access by members of the College community to copyright materials as outlined in the *Copyright Act*;
- is the basis to identify and implement specific procedures and guidelines to effect compliance with copyright laws

SCOPE

This policy applies to all members of the College community, including students, faculty, staff, contractors and volunteers.

POLICY

1. All individuals at Red Deer College using copyright materials comply with the federally legislated *Copyright Act* and related laws and regulations, which includes protection of the rights of ownership of copyright owners and recognition of user rights in relation to copyright materials owned by others.
2. Red Deer College is committed to ethical behavior and integrity in all activities including the use of copyright materials.
3. The *Copyright Act* and related laws and regulations, as well as related College policy and procedures, govern the utilization of all copyright works by members of the College community. All members of the College will endeavour to inform themselves of their legal duty in using copyright material.

4. Unauthorized use of copyright works is contrary to law and subject to legal recourse.
5. To use copyright works, members of the College have options depending on the use. Some uses may fall under user rights provided under the Copyright Act, such as fair dealing and other exceptions. Some uses may require seeking permission from the copyright owner prior to use. It is the responsibility of each member of the College community to exercise care in ensuring proper authorization has been obtained for their particular use.
6. Librarians, along with the Dean of Library and Student Supports, provide guidance and education regarding copyright issues. They are responsible for guiding decision making regarding copyright questions and compliance.
7. Whether or not a copyright owner or their licensing agent chooses to pursue legal action against the College or its members in a case of infringement, the College takes breaches of policy seriously. Incidents of non-compliance by employees may lead to disciplinary action up to and including termination, under College policy and/or the relevant collective agreement. Students who are in violation of the Policy may be disciplined under RDC's policies concerning student academic integrity and academic misconduct.
8. Deans, Directors, Divisional Leaders, Associate Deans and Coordinators are responsible for taking reasonable steps to implement this policy and ensure the necessary supports (training workshops, seminars and materials) are in place to facilitate on-going compliance.

RELATED POLICIES

Intellectual Property

Student Intellectual Property

Student Academic Integrity and Academic Misconduct

Acceptable Use of Technology and Information Resources

Student Rights & Responsibilities

Integrity in Research, Scholarly Activity, and Scholarship

DEFINITIONS

Copyright Act: a Federal Act governing matters related to copyright, including regulations there under, including case law which interprets the *Copyright Act*.

Copyright Work: any original literary, dramatic, musical, artistic, scientific or technical work created and fixed in tangible form.

Copyright Owner: the legal owner of a copyright work who can assert the rights of ownership.

Fair Dealing: a statutory right to, within limits, reproduce works without permission. The *Copyright Act* in Section 29 lists allowable purposes including research, private study, criticism, review, news reporting, education, parody and satire.

Use: reproduction, transmission, public performance, display and translation of a copyright work.

User: an individual and/or organization that makes use of copyright material owned by another.

User Rights: specific legal rights provided by the *Copyright Act* to facilitate under certain conditions the use of copyright works without the need for the consent of the copyright owner. Most significant for the College are the right of fair dealing, and the specific exceptions for educational institutions and libraries.