

Policy Title:	Copyright Policy
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Contact:	University Librarian
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1. Purpose

University of Niagara Falls Canada (UNF) is committed to the advancement and dissemination of knowledge. As such, UNF provides access to copyrighted works to staff, faculty, and students to facilitate ongoing education and instruction.

In Canada, Copyright law protects a wide range of works including literary works, dramatic works, artistic, music, sound recording(s), performer performance(s) and communication signals. UNF considers copyright infringement to be a serious matter and all staff, faculty and students must comply with applicable copyright laws when dealing with Copyrighted works in order to not infringe on the intellectual property rights of the copyright holder(s).

The UNF Copyright Policy (The ‘Policy’) establishes the balance between protection of intellectual property with the provisions to encourage the dissemination and use of this material. To ensure that both copyright legislation and the importance of intellectual property are communicated to the University community, this Policy sets out UNF’s requirements regarding copyright laws to:

- Advise the UNF community on UNF’s compliance with the Copyright Act of Canada and agreements between UNF and licensed reproduction rights organizations.
- Reduce risk to UNF that could result from copyright infringement.
- Clarify roles and responsibilities of the UNF community regarding copyright.

UNF abides by and upholds all reasonable and technically feasible standards of copyright and fair use.

2. Scope

This Policy is binding on all University Personnel and all physical persons working or completing research at the University. The Policy also applies to Personnel on sabbatical leave or leave of absence unless otherwise specified.

3. Copyright Guidelines

UNF respects both user rights relating to the use of copyrighted materials and copyright protection of intellectual property and distribution rights of creators and content providers.

All University Personnel are subject to the protections and obligations outlined in the Copyright Act.

All University Personnel are responsible for informing themselves of both their requirements under the Canadian Copyright Act. Any copying completed in connection with University activity must comply with these guidelines.

Use of copyrighted material(s) are also subject to the provisions outlined in the University's licenses and agreements that the University has with other copyright holders.

4. Fair Dealing Guidelines

The Canadian Copyright Act stipulates that the use of copyrighted works requires permission from the copyright holder, unless one of the exceptions within the Act applies.

The Canadian Copyright Act permits copying of small sections of work from copyright-protected works for the purposes of fair dealing under Section 29. Fair dealing allows for the utilization of copyright-protected works specified purposes without seeking the permission of the copyright holder.

While the Act has other exceptions, which may apply and that University Personnel should be aware of, Fair dealing represents an important provision within an educational context at UNF.

The following guidelines provide reasonable guidelines with respect to fair dealings in the use of copyright-protected works in accordance with the Copyright Act and the Supreme Court decisions of 2004 and 2012:

A particular instance of copying may be considered fair dealing through consideration of the relevant factors, including the following:

- The purpose of the intended copying, including whether it is for research, private study or education;
- The character of the proposed copying, including whether it involves single or multiple copies, and whether the copy is destroyed after it is used for its specific intended purpose;
- The amount of the dealing from the individual user's perspective, including the proportion of the work that is proposed to be copied and the importance of that excerpt in relation to the whole Work;
- Alternatives to copying the work, including whether there is a non-copyrighted equivalent available;
- The nature of the work, including whether it is published or unpublished; and
- The effect of copying on the work.

Provided that the criteria set out below are met, the Fair Dealing Exception permits faculty and staff to copy, in paper or electronic format, short excerpts of a work for fair dealing purposes:

- Research;
- Private study;

- Education;
- Satire;
- Parody;
- Criticism;
- Review;
- News reporting.

To be considered a short excerpt, it is either 10% or less of a work, or no more than:

- one chapter of a book;
- a single article from a periodical;
- an entire artistic work from a work containing other artistic works;
- an entire newspaper article or page;
- a single poem or musical score from a Work containing other poems or musical scores; or
- an entire entry from an encyclopedia, annotated bibliography, dictionary, or similar reference work, whichever is greater.

The short excerpt must contain no more of the work than is required to achieve the fair dealing purpose(s) listed in this section.

A copy of the short excerpt of a work may only be provided to students engaged in a course, unit or program of academic study administered or hosted by UNF:

- As a class handout;
- As a posting to a learning or course management system that is password protected or otherwise restricted and accessible only to students in the specific course, unit or program;
- As part of a course pack.

Copies of the Short Excerpts used must mention the source, and if given in the source, the name of the author(s) or creator(s) of the work.

Where the Fair Dealing Exception allows the copying of only a portion of a work, no copies may be made of multiple short excerpts with the effect of exceeding the copying limits set out above.

Any fee charged by UNF for communicating or copying a short excerpt from a copyright-protected work must be intended to only cover the costs of the University, including overhead costs.

Other sources of permission (including permission from a copyright holder) will be required where the copy falls outside the Fair Dealing Exceptions.

5. Access Copyright

UNF has signed a license with Access Copyright to allow UNF staff, faculty and students access to a wide selection of pre-authorized copyright-protected materials.

For published works accessed by UNF staff, faculty or students from within Access Copyright's repertoire, UNF Students, Faculty, and Staff are permitted to:

- photocopy, fax, scan and print;
- store copies, such as on a hard drive, USB stick or on a Secure Network;
- transmit by email, upload or post copies within a Secure Network;
- project and display copies, such as on overheads, on LCD or plasma monitors, or interactive whiteboards;
- make copies for the purposes of inter-library loan, creating alternate format copies and managing library collections; and
- create Course Collections (Section 6).

Under the Access Copyright licensing agreement, UNF permits usage of up to 10% 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 20% of that book.

Copied materials must be labelled with reference to the title, author, and publisher (or copyright holder) and publication date of the work. Furthermore, if in paper format, it must be stamped with the Access Copyright stamp (available in the UNF Library).

Staff, faculty and students are permitted to copy any published work in Access Copyright's repertoire within the guidelines stipulated in Section 4: Fair Dealing and Access Copyright. Use is granted through the Access Copyright Repertoire Look-Up Tool.

The License for Access Copyright is governed by the UNF Library.

University Personnel who fail to comply with these guidelines may be denied access to this resource and may also be subject to appropriate disciplinary action as outlined in Section 9.

6. Course Pack

Course packs (also referred to as Course Collections) are paper compilations of published works and digital copies of published works that are emailed, linked or hyperlinked, posted, uploaded to or stored on a secure network as part of a course of study. If producing and distributing course packs, faculty and staff are responsible for ensuring that such production and distribution is following the stipulations outlined in the Copyright Act and this Policy.

UNF staff, faculty or students may copy up to 20% of a repertoire work covered by Access Copyright for a Course Collection and for certain library collection management purposes. For specific terms, please consult the License Agreement or specific publisher licenses for library electronic subscriptions.

UNF elected the Digital Copies option under the Interim Tariff Agreement with Access Copyright, which provides immediate, advance legal authorization for faculty to make

digital uses of material such as scanning and posting copyright protected materials to course websites. The Digital Copies option:

- is a convenient and legal way to use content in digital format for such uses as posting material to course websites, e-reserves or emailing material to students;
- is easy to follow with copying limits of 20% of a publication;
- provides immediate authorization for faculty to scan material and post to course websites; and
- provides advance permission so there are no wait times prior to use of digital content.

7. Out of Print Works

Out of print works may be copied only if permission is granted by the copyright holder.

8. Technological Protection Measures

Under the Copyright Act, there are two forms of technological protection measures (commonly referred to as Digital Locks). This includes Access controls (technology, device or component that controls or restricts access to a work, including passwords) and Use Restrictions (technology, device or component that restricts a user from doing something other than accessing the file).

UNF Staff, faculty or students must not circumvent any technological protection measures (commonly referred to as Digital Locks) to access copyrighted works unless they are authorized by the copyright owner to do so.

It is an offense under the Copyright Act to circumvent an Access Control unless it is done with the authority of the copyright owner. This includes works which may have otherwise been allowable under the exceptions of the Copyright Act (including Fair Dealing Exceptions).

9. Non-Compliance

University librarians are responsible for updating information about copyright and liaising with Access Copyright licensing and communicating copyright information. Anyone can report copyright infringement to the University Librarians.

There are consequences for breaking any law; infringing Copyright law is no different. The consequences of infringing the copyright law can result in legal liability for the individual(s) as well as for UNF. A civil court may decide that money be paid as compensation for damages caused by unauthorized use of a copyright work. Criminal consequences include fines and possible imprisonment.

Students who fail to comply with the terms of the UNF Copyright Policy may also result in disciplinary action being taken as outlined in the Student Rights and Responsibilities Policy. Staff and faculty may be subject to disciplinary actions as outlined in their respective employment contract(s).

10. Definitions

These definitions apply to terms as they are used in this policy.

Word/Term	Definition
Academic Misconduct	Academic misconduct is any action that is not conducive to the principles of integrity, honesty, respect, fairness and responsibility and that is engaged in to obtain any type of academic advantage or credit.
Academic Personnel	Any core, complementary, adjunct or visiting faculty, instructors, teaching assistants, post-doctoral fellows, undergraduate and post-graduate students.
Copy	Any reproduction regardless of the format of the original or the format of the duplicate. A copy (or copies) may apply to reproduction from a variety of format sources, including, but not limited to, books; periodicals, CD-ROM; electronic databases; the Internet; computer software; artwork; written and recorded music; sound recordings; video recordings; illustrations; graphics; and photographs, for instructional or administrative use in any format (print, digital, audio-visual). It includes single and multiple copies and materials produced in foreign countries. It includes materials provided free or at a fee.
Copyright	Defined in the Copyright Act of Canada (R.S.C. 1999 c. C-42) as “the sole right to produce or reproduce the work or a substantial part thereof in any material form whatever, to perform, or in the case of a lecture to deliver the work or any substantial part thereof in public, or if the work is unpublished, to publish the work or any substantial part thereof...” According to the Act, protection of works is automatic and exists as soon as a work is created and, in most cases, continues until 50 years after the creator’s death.
Course Collection	Use by an Authorized Person as part of a Course of Study, and whether for required or recommended reading for the Course of Study or otherwise: <ul style="list-style-type: none"> • Paper Copies of Published Works assembled into course packs; or • Digital Copies of Published Works that are: emailed, linked or hyperlinked to, posted, uploaded to, or stored, on a Secure Network.
Creator	A member of University Personnel who creates Intellectual property.
Fair Dealing	The Canadian Copyright Act (https://laws-lois.justice.gc.ca/eng/acts/c-42/) permits copying from copyright-protected works or the purposes of fair dealing. Fair dealing allows for the utilization of copyright-protected works for the purpose of research, private study, education, parody or satire. Small portions of copyrighted works may be copied if the source is clearly cited.

Incidental Copying	Photocopies, complying within the limits, restrictions and rules as set out in the Access Copyright license, provided free to each student in a class as handouts. Each copy distributed must be clearly marked with an Access © notice. Our copyright license allows works to be copied from printed formats to printed format up to stated limits and within stated situations without any transfer of ownership.
Non-Academic Personnel	Includes full-time and part-time administrative, professional, support staff and any other person(s) paid by or through the University.
Published Work	A literary, dramatic, or artistic work protected by copyright in Canada, of which copies have been made available to the public with the consent or acquiescence of the copyright owner but excludes a Musical Work.
Title Search & Permissions Tool	An online tool that can be used to see if the title you wish to copy is covered under the University's Access Copyright license. The tool can be found at https://www.accesscopyright.ca/title-search-permissions/ .
University	University is defined as University of Niagara Falls Canada.
University Personnel	Includes both Academic and non-academic personnel.

11. Related policies

- Final Grade Reviews and Appeals Policy
- Appeals for Non-Academic Discipline Policy
- Academic Integrity and Honesty Policy.