

Procedures

Policy Name	Use of Copyrighted Materials		
Policy #	117	Category	Academic
Policy Sponsor	Associate Vice-President, Learning and Teaching	Previous Revision Date	N/A
Policy Approved by	President & CEO	Revision Date	April 1, 2021
Procedures Approved by	Provost and VP Academic	Review Date	See Policy Review Date or As Required

See the related [POLICY](#).

DEFINITIONS

Act – refers to most recent iteration of the Canadian *Copyright Act* and related regulations.

Agreements – any licences, contracts, treaties or permissions Saskatchewan Polytechnic has arranged for access, distribution and/or copying rights to Works. Most Agreements for use of Works at Saskatchewan Polytechnic are negotiated and administered by Library Services; however, ad hoc permissions directly from a publisher or creator are included here.

Copyright – is defined in the Act as “the sole right to produce or reproduce a work or a substantial part thereof in any material form” [<https://laws-lois.justice.gc.ca/eng/acts/c-42/page-2.html> Part I, Section 3 (1)]. This includes, but is not limited to, the right to photocopy, scan, download, perform and post electronically. The Act also provides exceptions that permit copying under certain conditions, most notably Fair Dealing.

Creative Commons – a non-profit organization that permits sharing and distribution of Copyrighted Works through free licences with creators. There are six different licences available, which all require users of a Work to attribute the creator.

Fair Dealing – a quantity-undefined (i.e., no set percentage or number of pages of a Work) user’s right in Canadian copyright law permitting copying of Copyrighted Work, within limits, without payment of royalties or permission from the copyright owner, for the purpose of research, private study, education, parody, satire, criticism, review or news reporting.

Open Access – scholarly Works that are freely available, at no cost, and free of most licensing restrictions. Users of Open Access Resources must still properly attribute Works to authors.

Work – any original intellectual property material created including literary works, musical works, artistic works, dramatic works, performances, sound recordings and communication signals. Some examples include, but are not limited to: books, images, drawings, DVDs, e-books, e-journals, journals, photographs, and videos.

PROCEDURES

1. Roles and Responsibilities

- 1.1 It is the responsibility of Saskatchewan Polytechnic administrators, faculty, staff and students to use Copyrighted Works or Open Access resources in a manner that is compliant with the Fair Dealing exception, with other aspects of the Act, with Agreements, or with Creative Commons licenses.
- 1.2 It is the responsibility of Saskatchewan Polytechnic administrators, faculty, staff and students to familiarize themselves with the Copyright Office Guidelines as provided publicly and internally by Saskatchewan Polytechnic's Copyright Office.
- 1.3 It is the responsibility of Saskatchewan Polytechnic administrators, faculty, staff and students to obtain or confirm permissions for copying, when necessary, to comply with the Act, Agreements and this policy.
- 1.4 It is the responsibility of the Copyright Office to:
 - (a) Maintain and update public and internal copying guidelines for use by Saskatchewan Polytechnic community members and stakeholders; and
 - (b) Provide guidance to Saskatchewan Polytechnic community members and stakeholders on the use of Copyrighted Works and the application of Agreements, Open Access, or Creative Commons licenses; this includes:
 - i. reviews of academic content when requested by Saskatchewan Polytechnic Programs; and
 - ii. reviews of permissions when requested by Saskatchewan Polytechnic administrators, faculty, staff and students.

2. Using Works at Saskatchewan Polytechnic

- 2.1 There are several options for Saskatchewan Polytechnic community members when incorporating materials for learning or for use in the general course of operations:
 - 2.1.1 Unless otherwise superseded by contracts or other Agreements, Works created for and during the general course of operations at Saskatchewan Polytechnic can be used for all institutional purposes; the format of these Works can also be reasonably modified without issue.
 - 2.1.2 Works produced outside of Saskatchewan Polytechnic can be used if:
 - i. that use falls under the Fair Dealing exception, or other specific exception in the Act;
 - ii. that use falls under Agreements (normally administered by Library Services or ITS);
 - iii. they are Open Access or fall under the conditions of Creative Commons licensing; or
 - iv. permission is obtained that specifically authorizes and outlines that use.
 - 2.1.3 Saskatchewan Polytechnic equipment and/or services must not be used for actions that infringe the Act, Agreements or Copyright permissions.
 - 2.1.4 Works copied by Print Services, sold in the Bookstore, added to Library collections, or reproduced in the learning management system or other digital repositories must comply with the Act, Agreements, or ad hoc Copyright permissions.

3. Permission for Using Copyrighted Works at Saskatchewan Polytechnic

3.1 If it is determined that it is necessary to use a Work that is not created at Saskatchewan Polytechnic and use of the Work does not fall under the Fair Dealing, other parts of the Act, or Agreements, then permission must be obtained from the appropriate distributor, publisher, author, or original creator.

3.2 It is good practice that a permission to use all or part of a Work:

- (a) is documented and signed;
- (b) outlines permitted format(s), location/posting of Work during use, duration of permission including:
 - i) a clear plan for removal of the Work after use; and
 - ii) access for review by the Copyright Office upon request.

4. Consequences of Non-Compliance

4.1 Failure to comply with these Procedures and the Use of Copyrighted Works Policy may result in disciplinary action up to and including termination of employment, contract termination, disciplinary action under (as appropriate) Policy #1211b Student Code of Conduct (Non-Academic) or Policy #703 Code of Conduct, and/or legal action.