



POLICY STATEMENT

Policy Name	Use of Copyrighted Works		
Policy #	117	Category	Academic
Policy Sponsor	Associate Vice-President, Learning and Teaching	Previous Revision Date	May 6, 2014
Policy Approved by	President & CEO	Issue or Revision Date	April 1, 2021
Procedures Approved by	Provost and VP Academic	Review Date	April 2026

See the related [PROCEDURES](#).

PURPOSE

The purpose of this policy is to provide guidance for members of the Saskatchewan Polytechnic community when using Copyrighted Works.

SCOPE

This policy applies to all Saskatchewan Polytechnic administrators, faculty, staff and students.

This policy applies to the use of Copyrighted Works and not to copyright ownership.

This policy does not apply to content related to trademarks, industrial designs, patents and/or related research content, along with content created under contracts that supersede the Act or Agreements, as both are defined below. The policy does not include, interfere with, or supersede the provisions of current collective agreements.

GUIDING PRINCIPLES

1. Saskatchewan Polytechnic is committed to complying with the Act, and complying with Agreements Saskatchewan Polytechnic has arranged, for the use of Copyrighted Works in its operations.
2. Saskatchewan Polytechnic is committed to respecting the rights of Copyright holders, while exercising the copying and distribution rights granted in the Act, and in Agreements, in order to use a wide variety of Works for its operations.
3. As a measure of compliance and risk mitigation, Saskatchewan Polytechnic also recognizes that Works which are created and published as Open Access resources may have educational and operational merit and may be considered for institutional use.
4. Members of the Saskatchewan Polytechnic community must use Copyrighted Works in a manner that:
 - a) applies sound ethics, with best judgement and practice;
 - b) is compliant with the Act, and/or with Agreements; and
 - c) respects the rights of Copyright holders while reducing institutional risks associated with Copyright infringement.

5. Saskatchewan Polytechnic is committed to ensuring members of the Saskatchewan Polytechnic community are provided the necessary knowledge and resources to work effectively with both Open Access and Copyrighted Works.

POLICY

1. Any copying and distribution of Copyrighted Works for operations at Saskatchewan Polytechnic that are governed by the Act shall be done so in compliance with the Act. Any copying or distribution of Works for operations at Saskatchewan Polytechnic governed by Agreements arranged by Saskatchewan Polytechnic shall be done so in compliance with the terms of use contained in those Agreements.
2. Saskatchewan Polytechnic administrators, faculty, staff and students are permitted to copy and distribute portions of Copyrighted Works, when appropriate, under the terms of the Act's Fair Dealing exception and other specific exception clauses in the Act. Saskatchewan Polytechnic administrators, faculty, staff and students are permitted to duplicate and distribute content from Copyrighted Works, when appropriate, according to the terms of use in Agreements arranged by Saskatchewan Polytechnic.
3. Saskatchewan Polytechnic administrators, faculty, staff and students, when appropriate, may consider using Works that have been created and published under Creative Commons licensing, or overtly designated as Open Access.
4. Saskatchewan Polytechnic administrators, faculty, staff and students have a responsibility to familiarize themselves with the Act, the Act's Copyright exceptions, along with the concept of Open Access, and to take reasonable actions that ensure their use of those Works is compliant. The Saskatchewan Polytechnic Copyright Office will provide adequate education, consultation, and guidelines – online or otherwise - to enable Saskatchewan Polytechnic administrators, faculty, staff and students to effectively use Open Access and Copyrighted Works in a compliant manner.

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.

RELATED POLICIES/DOCUMENTS

Saskatchewan Polytechnic Copyright Webpage
Saskatchewan Polytechnic SharePoint Copyright Webpage
Saskatchewan Polytechnic Copying Guidelines
Saskatchewan Polytechnic Fair Dealing Guidelines
Policy 102 Academic Freedom
Policy 1101 Applied Research Integrity

APPLICABLE LEGISLATION OR REGULATIONS

Copyright Act, RSC 1985, c C-42
Copyright Regulations, SOR/97-457
Exceptions for Educational Institutions, Libraries, Archives and Museums Regulations, (SOR/99-325)