

Administrative Procedure 271

Use of Copyright Materials

Background

The Renfrew County District School Board is guided by a commitment to Excellence in Teaching and Learning. To comply with the *Fair Dealing Guidelines* as developed by the Council of Ministers of Education Canada (CMEC) Copyright Consortium, the Renfrew County District School Board will communicate the *Fair Dealing Guidelines* (captured in this administrative procedure) to all school locations on an annual basis in order to ensure that staff and students understand the obligations of the School Board in accordance with the *Copyright Modernization Act (the new Copyright Act)*.

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.

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.

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.

These guidelines apply to fair dealing in RCDSB K-12 and adult schools and provide reasonable safeguards for the owners of copyright-protected works in accordance with the *Copyright Act* and the Supreme Court decisions.

Procedure

1. Any copying, scanning or printing of materials from a consumable is strictly prohibited. A consumable is defined as a workbook-styled published document intended to be used one time.
2. Employees can utilize a tool known as the Copyright Decision Tool, located at www.copyrightdecisiontool.ca, to facilitate easy and fast information regarding allowable and non-allowable copying, scanning, printing, etc.

3. 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.
4. Copying or communicating that exceeds the limits in these Fair Dealing Guidelines may be referred to a supervisor or other person designated by the RCDSB for evaluation. An evaluation of whether the proposed copying or communication is permitted under fair dealing will be made based on all relevant circumstances.
5. Any fee charged by the educational institution for communicating or copying a short excerpt from a copyright-protected work must be intended to cover only the costs of the institution, including overhead costs.

Legal Reference

Copyright Modernization Act

Fair Dealing Guidelines – Council of Ministers of Education Canada (CMEC)

Copyright Consortium

RCDSB Reference

Administrative Procedure 270 - Textbooks and Other Learning Materials