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## **Purpose/Background**

Rocky View Schools (RVS) acknowledges that it has a statutory and ethical responsibility to respect the legitimate copyright claims of creative contributors, software developers, and their publisher/distributors while providing students and staff with a rich range of resources.

## **Procedures**

1. Supervisors and principals will make available and will outline annually employee responsibilities in relation to the *Copyright Act* and *Fair Dealing Guidelines*.
2. All employees are expected to comply with the provisions of the *Copyright Act* and *Fair Dealing Guidelines*.
3. All software used on RVS computers must comply with the appropriate Canadian legislation.
4. The legal, ethical, and practical problems caused by software piracy will be taught in all schools and brought to the attention of all teachers in RVS.
5. Illegal copies of copyrighted programs may not be installed on, made on or used on RVS equipment or equipment owned by a service provider.
6. Legal or insurance protection will not be extended by RVS to employees or others who violate copyright laws.
7. When software is used on a network system, all users will make an effort to safeguard the software from being illegally copied.
8. Notwithstanding the above, RVS employees are authorized to make archival copies of copyrighted software, if the license terms permit doing so.
9. RVS employees and agents may, to the extent permitted by the governing license / use terms of use agreement make a copy or adaptation of a computer program, provided that such a copy or adaptation is a necessary step in the utilization of the computer program and that it is used in no other manner. Employees or agents in breach of this provision shall not have the benefit of the legal or insurance protection of RVS.
10. The Associate Superintendent, Business and Operations is the only signing authority permitted to sign license agreements for software for schools in the Division.
11. Original copies of licensing agreements and media are to be stored by the Director of Technology with duplicates stored with the Associate Superintendent, Business and Operations.
12. The Principal of each school is responsible for monitoring and ensuring that these procedures are followed at the school level.

*Reference:*

- Copyright Act
- Copyright Modernization Act
- Council of Ministers of Education (CMEC) Copyright Consortium Guidelines
- Copyright Matters!
- Fact Sheet: What the Copyright Modernization Act means for Teachers and Students

## Appendix A

# Fair Dealing Guidelines

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 postsecondary educational institutions.

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

## GUIDELINES

1. Teachers, instructors, professors, and staff members in non-profit educational institutions may communicate and reproduce, in paper or electronic form, short excerpts from a copyright-protected work for the purposes of research, private study, criticism, review, news reporting, education, satire, and parody.
2. Copying or communicating short excerpts from a copyright-protected work under these Fair Dealing Guidelines for the purpose of news reporting, criticism, or review should mention the source and, if given in the source, the name of the author or creator of the work.
3. A single copy of a short excerpt from a copyright-protected work may be provided or communicated to each student enrolled in a class or course
  - a) as a class handout;
  - b) as a posting to a learning or course-management system that is password protected or otherwise restricted to students of a school or postsecondary educational institution;
  - c) as part of a course pack.
4. A short excerpt means:
  - a) up to 10 per cent of a copyright-protected work (including a literary work, musical score, sound recording, and an audiovisual work);
  - b) one chapter from a book;
  - c) a single article from a periodical;
  - d) an entire artistic work (including a painting, print, photograph, diagram, drawing, map, chart, and plan) from a copyright-protected work containing other artistic works;
  - e) an entire newspaper article or page;
  - f) an entire single poem or musical score from a copyright-protected work containing other poems or musical scores;
  - g) an entire entry from an encyclopedia, annotated bibliography, dictionary, or similar reference work.
5. 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.
6. Copying or communicating that exceeds the limits in these Fair Dealing Guidelines may be referred to a supervisor or other person designated by the educational institution for evaluation. An evaluation of whether the proposed copying or communication is permitted under fair dealing will be made based on all relevant circumstances.
7. 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.