

## COPYRIGHT POLICY

### Policy Statement

Copyright is the right to reproduce in any form a work or parts of a work, to perform in public, or to publish an unpublished work. Bow Valley College recognizes the need to balance the benefits of sharing ideas for educational purposes with obtaining just compensation for the creator of a work in accordance with Copyright Act and the 2004 and 2012 decisions of the Supreme Court of Canada.

### Purpose

The purpose of this policy is to set out the standards for due diligence when working with copyright across all of the College's activities. The policy will facilitate use of copyrighted material and guide the use of materials where the College is the rights holder.

### Scope

The policy applies to all faculty, staff and contractors of Bow Valley College and registered Bow Valley College learners. The policy applies to any work that the College creates or publishes through the work of its employees or contractors, the purchase of works for use within the College, and the sale or brokering of works owned by the College.

### Principal Objectives

1. Bow Valley College respects the rights of copyright owners. When third party works are used there must be an acknowledgement of the rights holders through the use of a citing statement.
2. The College adheres to the Copyright Act.
3. The College adheres to the Association for Canadian Community Colleges "Fair Dealing" Policy.
4. Work created in the course of the creator's employment with Bow Valley College will be owned by Bow Valley College, unless there is an agreement to the contrary.
5. The copyright in works prepared by learners in fulfillment of College course requirements is owned by the learner. The learner has the right to control further uses of his/her work. Learner's work may not be used for purposes other than for which it was assigned by the faculty member teaching their courses(s) namely, for evaluation purposes, without the written permission of the learner.
6. College facilities and equipment will not be used in activities, such as copying, transmitting objects or documents or breaking digital locks, which would contravene legislation, license agreements or guidelines.
7. It is the responsibility of the individual using copyrighted material to ensure, if necessary, that appropriate permission has been obtained and/or royalties paid prior to its use.
  - 7.1 Permission to use copyrighted works must be secured in accordance with existing agreements.
  - 7.2 The college community will be supported by the Copyright Office who will provide consultation, advice and training.
8. The policy is "technology neutral". It applies to all uses of all publication media; print, digital, graphical, Internet, audio, and video.
9. The Copyright Office and the Library and Learning Commons will provide leadership with regards to the dissemination of information to the College community regarding copyright legislation and agreements.

## Compliance

Employees, contractors, volunteers and registered learners are responsible for knowing, understanding, and complying with Bow Valley College policies, procedures, guidelines and any other attached documentation that relate to their position, employment, or enrolment at the College.

Non-compliance may create risk for the College and will be addressed accordingly with reference to disciplinary measures considered in the Code of Conduct. Such disciplinary action may include suspension or expulsion of learners or the dismissal of employees.

The College owns the copyright on all work that is produced by employees and contractors in the course of their employment with the College. Employees or contractors wishing to use works produced by the College or material that they have produced themselves in their employment with the College must receive permission from the President and CEO, or the President and CEO's designate, prior to using or disseminating those works externally with the exception of works that fall under the parameters of "Fair Dealing".

Monetary rights relating to the development of any materials for the College shall be the intellectual property of the College.

Moral rights are retained by the employee who creates the work unless the employee waives those rights in agreement with the College.

## Definitions

**Citing** – identifies the source on which information is based. Examples of citings are footnotes, reference pages and bibliographies

**College Premises** – includes any location, physical or virtual, where the College's instruction is delivered

**Copyright** - copyright protects the form in which literary, artistic, musical and dramatic works are expressed. In Canada, copyright exists once a work is expressed in fixed form; no special registration needs to take place. Copyright usually resides with the creator of the work unless assigned to another rights holder. Copyright exists in most work for 50 years after the death of the creator when it then enters the public domain

**Copy fraud** – is when institutions or individuals illegally claim copyright ownership of public domain material

**Digital Lock** – a prevention measure (programming code) used on digital resources that prevents the copying or transfer of material from one digital technology to another

**Fair Dealing** – is the right to reproduce a copyrighted work for the purpose of research, private study, review, news reporting, education, parody and satire

**Fixed Format** – a tangible form of an original work – e.g. recorded song, photo, drawing or book

**Image Release** – a document created by the owner of the image, specifying how and when the image may be used

**Infringement** – refers to copying intellectual property without express permission from the rights holder

**Moral rights** - involve the right to claim authorship of a work, and the right to oppose changes to that work that could harm the creator's reputation

**Monetary Rights** – the owner of the original work has the right to be financially compensated for the use of their work when it is licensed or copyrighted

**Public Domain** - works that are publicly available or whose intellectual property rights have expired

**Rights Holders** – the copyright holder is the creator of the original work. They have the right to determine who can adapt or perform their work and who may benefit financially from it and they may assign their rights to another individual or organization

**Reproduction** – a copy of an original creative work

**Royalties** – a usage-based payment system for the ongoing use of a published original work or intellectual property. The payment of royalties can take many forms

**Technology Neutral** – a work can be used in all technological formats

**Third Party Material** – works that are created by an individual or organization outside of Bow Valley College. Examples could be publications such as journals, books, maps, photographs or illustrations

**Unpublished Works** – refer to original works that have never been published, performed or delivered in public

**Waived** – the creator of an original creative work chooses not to claim copyright rights or exclusive ownership of their work

**Work** – an expressible form of an original production, composition or material e.g. book, photograph, painting, play, sculpture or article

**DATA SHEET**

**Accountable Officer:** Vice President, Learning Services

**Responsible Officer:** Director, Learning Resource Services and Applied Research

**Approval:** Board of Governors

**Contact Area:** Learning Resources Services

**Relevant Dates**

<b>Approved</b>	<b>April 24, 2013</b>
<b>Effective</b>	<b>April 24, 2013</b>
<b>Next Review</b>	<b>April, 2018</b>
<b>Modification History</b>	<b>NEW</b>

**Associated Policies**

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|-----------|-----------|----------|
| #100-2-3  | #300-2-1  | #500-3-2 |
| #100-2-5  | #300-2-12 | #500-3-3 |
| #200-1-1  | #300-2-2  | #600-1-5 |
| #200-1-3  | #300-2-4  |          |
| #200-1-5  | #400-1-6  |          |
| #200-1-9  | #500-1-1  |          |
| #200-1-10 | #500-1-4  |          |
| #200-1-4  | #500-1-7  |          |
| #200-1-8  | #500-1-8  |          |
| #200-3-2  | #500-1-14 |          |
| #200-4-1  | #500-1-15 |          |
| #200-5-1  | #500-3-1  |          |

**Directly Related Procedures**

#500-1-3 Copyright Procedures