



BOARD ADMINISTRATIVE PROCEDURE	
Administrative Procedure Copyright Protected Works	Administrative Procedure Number 1205
Directional Policy 1200 – Records and Information	

Title of Administrative Procedure:

Copyright Protected Works

Date Approved:

October 4, 2022

Projected Review Date:

2027

Directional Policy Alignment:

The Copyright Protected Works Administrative Procedure aligns with the Records and Information Management Directional Policy by providing guidance to allow educators to access and use the best quality and most relevant learning materials in accordance with the Canadian Copyright Act.

Alignment with Multi-Year Strategic Plan:

The Copyright Protected Works Administrative Procedure aligns with the Board's multi-year strategic plan by supporting the strategic priorities: Providing Excellence in Teaching and Learning and Maximizing Resources.

[PVNCCDSB Board Vision, Mission and Strategic Priorities](#)

Action Required:

The Peterborough Victoria Northumberland and Clarington (PVNC) Catholic District School Board is committed to providing the best quality and most relevant learning materials to our students and staff as part of their learning experience. The Board endeavours to ensure that copyright protected works that are used in schools and the Catholic Education Centre follow the Canadian Copyright Act.

All employees responsible for providing educational resources to students and staff shall follow the applicable provisions of the Copyright Act and implement and monitor procedures that are consistent with the “Fair Dealing” provisions of the Copyright Act.

The Canadian Copyright Act permits use of a copyright protected work without permission from the copyright owner or the payment of copyright royalties insofar as the use falls within the ‘Fair Dealing’ provisions of the Act.

Staff shall ensure that any copies made are within the allowable purposes of the Copyright Act and that the use is ‘fair’ - it does not harm the market for a work.

Staff 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.

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:

- as a class handout
- as a posting to a learning or course management system that is password protected or otherwise restricted to students of a school or post-secondary educational institution
- as part of a course pack

A short excerpt means:

- up to 10% of a copyright protected work (including a literary work, musical score, sound recording, and an audiovisual work)
- one chapter from a book
- a single article from a periodical
- an entire artistic work (including a painting, print, photograph, diagram, drawing, map, chart, and plan) from a copyright protected work containing other artistic works

- an entire newspaper article or page
- an entire single poem or musical score from a copyright protected work containing other poems or musical scores
- an entire entry from an encyclopedia, annotated bibliography, dictionary or similar reference work

Publishers' rights must be respected and staff shall not copy articles, whole chapters or multiple chapters of books.

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.

Any fee charged by a school 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.

Most streaming services (i.e. Netflix, Apple TV, Spotify, Amazon Prime) have noted in their terms and conditions that their services are for "personal use" only. Classroom use is classified as "public performance" so use of these services in the classroom is against the terms and conditions of these services and a violation of copyright for the individual rights holders.

Responsibilities:

The Board of Trustees is responsible for:

- Ensuring alignment of this administrative procedure with the Records and Information Directional Policy.
- Reviewing this Administrative Procedure as part of its regular policy and procedure review cycle.

The Director of Education is responsible for:

- Designating resources for ensuring the implementation of and compliance with this Administrative Procedure.

Superintendents of Schools and System Portfolios are responsible for:

- Ensuring school principals are consistent with the application of this Administrative Procedure.

- Ensuring that any employee for whom they have supervisory responsibility are aware of the requirements under this Administrative Procedure.

The Communications Manager is responsible for:

- Communicating the fair dealing guidelines to principals on an annual basis.

Principals and Vice-Principals are responsible for:

- Principals shall include the fair dealing guidelines in school-based staff handbooks and review the procedures with staff on an annual basis.
- Principals and Managers will post Appendix A or other approved posters at all photocopiers in the school and on Board property that staff use for providing resources for staff and/or students.

Staff are responsible for:

- All staff will comply with the fair dealing guidelines as developed by the Council of Ministers of Education Canada (CMEC) Copyright Consortium.

Progress Indicators:

- School administrators will communicate that this Administrative Procedure has contributed to an understanding amongst school staff of the “Fair Dealing” provisions of the Copyright Act.

Definitions:

Copyright

The legal protection of a creator’s original work. Copyright law does not protect ideas, only the form in which they are expressed.

Fair Dealing

A user’s right outlined in the Copyright Act that identifies allowable purposes (or dealings) for the use of copyright protected materials without permission or payment of copyright royalties.

Copyright Infringement

Publishing, adapting, exhibiting, translating, editing, performing in public, communicating by telecommunication, copying or converting to another medium without permission of the creator.

Work Covered by Copyright

All original literary, dramatic, musical and artistic works.

Appendixes:

Appendix A – Consumables Poster for Printer and Photocopier Areas

Appendix B – Fair Dealings Guidelines Poster

Resources:

[Copyright Matters - Some Key Questions & Answers for Teachers](#)

[Fair Dealing Decision Tool for Educators](#)

References:

Copyright Act

Copyright Modernization Act