

71.01	Use of Copyright Materials	POLICY
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1.0 PURPOSE

- 1.1 NSCC is committed to compliance with Copyright laws and to the respect of the intellectual property rights of owners of Copyright materials.
- 1.2 This Policy is an extension of that commitment and is intended to outline NSCC's position respecting the use of Copyright materials (in all formats) by Employees and Students.
- 1.3 This Policy is also intended to limit any legal liability of NSCC and its Employees and Students for Copyright infringement through the exercise of due diligence in use of Copyright materials.
- 1.4 This Policy does not deal with the ownership of Copyright materials created by Employees and/or Students.

2.0 SCOPE

- 2.1 This policy applies to all Employees and Students associated with Nova Scotia Community College.
- 2.2 Employees, as appropriate to their role, are responsible to abide by and implement this Policy at NSCC.
- 2.3 College Leaders are responsible for taking reasonable steps to ensure effective implementation of this Policy and to encourage continued compliance with it.
- 2.4 In addition to their personal responsibility for compliant use, Employees, who work directly with Students with respect to their learning, are encouraged to educate students of their responsibilities in their use of Copyright materials and to encourage students to act with these responsibilities in mind, in accordance with the Student Code of Conduct and Academic Integrity Policy.

3.0 DEFINITIONS

- 3.1 **COPYRIGHT** means the right to produce, reproduce and copy a work (be it literary, dramatic, musical or artistic) in which copyright subsists. Copying includes photocopying print materials; changing a print format to a digital file; changing a digital file to print format; creating a new digital file from another and performing a work in public. Only the copyright owner and/or those permitted or licensed by the copyright owner can copy the work (unless the copying falls within an exception in the *Copyright Act (Canada)*).
- 3.2 **EMPLOYEE** is an individual who is currently employed with NSCC to perform work for the College. This includes all employees, regardless of status, as well as current employees who are on a leave of absence (paid/unpaid).

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- 3.3 FAIR DEALING** One of the exceptions in the *Copyright Act* (Canada) that permits copying excerpts of copyright material, without the permission of the copyright owner, is known as the “fair dealing” exception. It allows copying, in set circumstances, of copyright material for the purposes of research, private study, education, satire, parody, criticism, review and news reporting. NSCC has implemented the Fair Dealing Guidelines which provide the circumstances under which copyright materials may be copied under the “fair dealing” exception.
- 3.4 STUDENT** is a person who is registered and attending or undertaking a course of study at NSCC. This includes students who are full-time, part-time, online, apprenticeship, etc.

4.0 POLICY

- 4.1** Employees and Students have a responsibility to respect the rights of Copyright owners and to inform themselves of the circumstances under which they may legally use or reproduce Copyright materials.
- 4.2** Employees and Students may reproduce a substantial portion of a Copyright material if:
- a. the Employee or Student has obtained the written permission of the Copyright owner;
 - b. the reproduction of the Copyright material falls under an exception of the *Copyright Act* (Canada);
 - c. the reproduction is permitted by a specific license or contract with the Copyright owner (which may include licenses or agreements between NSCC and the Copyright owner which permit use and reproduction of Copyright materials by Employees and Students under certain terms and conditions);
 - d. the Copyright material is subject to an open license arrangement of the Copyright owner, provided there is compliance with the terms of the open license; or
 - e. NSCC has obtained the written permission of the Copyright owner for the benefit of Employees or Students.
- 4.3** The permissible reproductions, outlined above, do not include or allow the circumvention of any digital locks, as defined by the *Copyright Act* (Canada), which requires the express written consent of the Copyright owner or where the circumvention is expressly permitted by the exceptions in the *Copyright Act* (Canada).
- 4.4** It is the responsibility of each Employee and Student to ensure that appropriate authorization has been obtained in advance of any use of Copyright materials (as outlined above) and to provide the attribution required and specified by the author and/or owner of the Copyright materials.

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- 4.5** Copyright infringement is a serious matter which can result in legal liability for Employees and Students individually. In addition to any action taken by the Copyright owner or its authorized agent, NSCC, following due process, will take action respecting non-compliance with this Policy and any misappropriation or infringement of the intellectual property rights of Copyright owners by Employees and/or Students including, but not limited to, legal action, and/or disciplinary action, up to and including suspension or dismissal, in accordance with NSCC agreements, policies, guidelines and procedures.
- 4.6** Should any Employee or Student become aware of any infringement or non-compliant use of Copyright materials, the Employee or Student should report such non-compliant use to the Manager of their department or school so that appropriate measures may be taken.
- 4.7** NSCC provides support and resources to Employees and Students to assist in their compliance with Copyright laws. Any questions or concerns respecting Copyright issues or compliance may be directed to the NSCC Copyright Office.

5.0 LIMITATIONS

- 5.1** This is a policy and not a comprehensive statement of Canadian Copyright Law. Court decisions and amendments to the *Copyright Act (Canada)* and associated regulations can occur which will affect the scope of this Policy and initiate future amendments to this Policy.

6.0 POLICY SUPPORTS

Faculty Collective Agreement 2011-2014 Operational Support Collective Agreement 2012-2015 Professional Support Collective Agreement 2011-2014 33.03 Student Misconduct Report Form 33.04 Student Misconduct Decision Form Copyright Guide: http://subjectguides.nscC.ca/copyright 71.03 Fair Dealing Guidelines	RELATED POLICIES	31.01 Academic Integrity Policy 42.01 Employee Code of Conduct 74.01 Intellectual Property Policy 12.11 Research Ethics Board Policy 12.22 Research Integrity Policy 42.31 Safe Disclosure Policy 32.01 Student Appeals Policy 33.01 Student Code of Conduct
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