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**Parent Policy: [Use of Copyright Materials Policy](#)**

## **Use of Copyright Materials Procedure**

<b>Office of Administrative Responsibility:</b>	Vice-Provost (Learning Services)
<b>Approver:</b>	Provost and Vice President (Academic)
<b>Scope:</b>	This procedure applies to all members of the University Community

### Overview

The University of Alberta is committed to compliance with copyright law. All members of the **University Community** using copyright-protected materials while acting in their capacity as employees (including research and academic employees), contractors or representatives of the University will comply with the federally legislated *Copyright Act* and related law, which includes protection of the rights of ownership of copyright owners and recognition of user rights in relation to copyright-protected materials owned by others.

In order to fulfill this commitment, the University is committed to the ongoing review, development and implementation of best practices for ensuring copyright compliance.

### Purpose

The purpose of this procedure is to outline current approved practices in relation to use of copyright materials in order to effect compliance with the *Copyright Act* and related laws, as well as related University policy and procedure governing the use of all copyright-protected works. The practices outlined are expected to guide the actions of members of the University Community in their compliance with copyright law and the *Use of Copyright Materials Policy*.

## **PROCEDURE**

### **A. REPRODUCTION OF COPYRIGHT-PROTECTED MATERIALS**

A member of the University Community is permitted to copy a short excerpt of a copyright-protected work as indicated in the *University of Alberta Fair Dealing Guidelines* ("UAFD Guidelines"). Purposes where reproduction of copyright-protected materials is permitted include: for use as course materials; for use in conducting specific research or for inclusion in a personal collection of research resources; for use in the development of educational resources such as a unit, program or course of study at the University; or for use in the administration of a faculty or department at the University.

Where it is unclear how to apply the UAFD Guidelines, or where the proposed reproduction falls outside the UAFD Guidelines, the member should contact the **Copyright Office** for assistance.

Specific guidance regarding approved practices for the reproduction of course materials can be found in the *University of Alberta Course Materials Copyright Information Document*.

### **B. DISTRIBUTION OF COPYRIGHT-PROTECTED MATERIALS**

A member of the University Community is permitted to distribute copies of a short excerpt of a copyright-protected work as described in the UAFD Guidelines. Purposes where distribution of copyright-protected materials to

University faculty, employees and students is permitted include: collaborative research (including where collaborators are both at the University of Alberta and at other universities); display at a lecture, meeting or presentation where the attendees are members of the University Community; for the development of a unit, program or course of study at the University; in a University course as course materials, as a class handout or as an exam; or for the administration of a faculty or department at the University.

Copies may be distributed in print or electronic format. For electronic distribution, this may be either via email or made accessible via posting to a secure, password protected server. Distribution of individual copies, or access to electronic copies, must be limited to members of the University Community. For additional details on posting to a Learning Management System, see Section C, below.

A large number of copyright-protected works are available online to members of the University Community under licenses held by the University of Alberta Libraries ("UAL"). Where practical, rather than distributing copies of such works in print or electronic format to other members of the University Community, stable links should be provided that will route users to these licensed resources via the UAL website. Providing such a stable link to a licensed version of a work does not involve the reproduction or distribution of copyright-protected material. Please note that while the UAL is committed to providing access to licensed resources to all faculty, staff and students, licence terms do vary and some licenses may include limitations on access.

Specific guidance regarding approved practices for the distribution of course materials, including linking to UAL-licensed materials, can be found in the *University of Alberta Course Materials Copyright Information Document*.

#### C. POSTING COPYRIGHT-PROTECTED MATERIALS ON LEARNING MANAGEMENT SYSTEMS

A member of the University Community is permitted to distribute copies of a short excerpt of a copyright-protected work as described in the UAFD Guidelines on a Learning Management System ("LMS") when the following conditions are met:

- The LMS is operated by or under the control of the University of Alberta;
- The LMS is secure and password protected;
- Access to materials is limited to University of Alberta students and other members of the University Community.

Where it is unclear how to apply the UAFD Guidelines, or where the conditions for posting on an LMS have not been met, the member should contact the Copyright Office for assistance.

Specific guidance regarding approved practices for the distribution of course materials can be found in the *University of Alberta Course Materials Copyright Information Document*.

On a regular basis and no less often than annually, the Copyright Office will review a sample of Course Materials that are distributed via LMS. The purpose of this review will be to determine the extent to which the objectives of this Procedure are being met and to refine and improve current approved practices accordingly. A report will be provided to the Office of the Provost and Vice-President (Academic) after each such review, including recommendations related to the refinement and improvement of practices covered by this Procedure.

#### D. LIBRARY COPYING OF COPYRIGHT-PROTECTED MATERIALS

1. Document Delivery and Inter-Library Loan
  - a. The UAL is permitted to make and communicate a short excerpt of a copyright-protected work for document delivery to another library or member of an authorized user group. What counts as a short excerpt for such purposes is indicated in the UAFD Guidelines.
  - b. If there is any uncertainty about the application of the UAFD Guidelines, the Copyright Office will provide assistance.
  - c. Specific guidance regarding approved practices for library document delivery can be found in the *University of Alberta Library Document Delivery Copyright Information Document*.
2. Library Reserve

- a. The UAL is permitted to make and communicate, in print or electronic format, a short excerpt of a copyright-protected work for the purposes of library reserve. What counts as a short excerpt for such purposes is indicated in the UAFD Guidelines.

#### E. UNIVERSITY COPIERS AND SCANNERS

A notice is to be posted in close proximity to each photocopier or scanner operated by the University advising patrons that copyright law applies to the making of copies and scans, and any such notice shall include the UAFD Guidelines.

#### F. COURSE MATERIAL COPYRIGHT REVIEW PROCESS

The Course Materials copyright review process will be followed for all credit and non-credit course offerings at the University. The review process will include all course materials including handouts, course packages and exams. All members of the University Community who will be distributing copyright-protected materials to students or other members of the University Community should consult the *Course Materials Copyright Review Form*. The instructions on the Review Form indicate the circumstances under which course instructors must complete and submit the *Course Materials Copyright Review Form* to the Copyright Office.

Specific guidance regarding approved practices for the reproduction and distribution of course materials can be found in the *University of Alberta Course Materials Copyright Information Document*.

#### G. USE OF COPYRIGHT-PROTECTED MATERIALS IN MOOCS

Massive Open Online Courses (“MOOCs”) are online courses developed to reach a larger audience than registered students of the University, and may be delivered by a third-party provider. Normally, permission must be obtained from copyright holders for all material incorporated into the MOOC and Fair Dealing assessments will not be applied to copyrighted material to be used in MOOCs. However, Fair Dealing assessments for MOOCs may be considered by the Copyright Office under exceptional circumstances on a case-by-case basis. While the Copyright Office is the appropriate point of contact for requesting such an exception, such requests will be forwarded to the Office of the Provost & Vice-President (Academic) for final decision.

Additional guidance regarding the use of copyright-protected material in MOOCs can be found in the *University of Alberta Course Materials Copyright Information Document*.

#### H. USE OF COPYRIGHT-PROTECTED MATERIALS FOR COMMERCIAL PURPOSES

This Procedure presupposes that any reproduction and distribution of copyright-protected materials will not be for commercial purposes. If any such reproduction and distribution of copyright-protected material is intended to produce revenue beyond the actual costs of reproduction and distribution of that material, then the UAFD Guidelines may not apply. In any such case, the member should contact the Copyright Office for further guidance.

## **DEFINITIONS**

Definitions should be listed in the sequence they occur in the document (i.e. not alphabetical).

Any definitions listed in the following table apply to this document only with no implied or intended institution-wide use. [▲ Top](#)

<b>University Community</b>	All Academic Staff and Colleagues and Support Staff as outlined and defined in Recruitment Policy (Appendix A and Appendix B) in addition to any research and other employees, third party contractors, professor emeriti, post-doctoral fellows and volunteers.
<b>Fair Dealing</b>	Under Canadian copyright law, a limited exception to the exclusivity of copyright allowing for the use of reasonable excerpts of copyright-protected material for a specified range of purposes. Eight categories are defined in addition to specific factors related to the nature of the use. Neither the categories nor the factors are strictly defined in the legislation, so the

	applicability of Fair Dealing is a matter of interpretation case-by-case.
<b>Copyright Office</b>	A division of Learning Services, the Copyright Office centralizes the oversight and management of copyright issues for the University community, providing information and guidance related to copyright laws, policy and procedures. The role of the Copyright Office is the review, development and implementation of best practices related to the use of copyright-protected materials at the University, as well as the review, development and implementation of a communication and education plan to enhance awareness and “copyright literacy” across the University community

## **FORMS**

Should a link fail, please contact [uappol@ualberta.ca](mailto:uappol@ualberta.ca). [[▲Top](#)]

Course Materials Copyright Review Form (<http://copyright.ualberta.ca/ClearanceForm.xls>)

## **RELATED LINKS**

Should a link fail, please contact [uappol@ualberta.ca](mailto:uappol@ualberta.ca). [[▲Top](#)]

[Copyright Act and Regulations](#) (Department of Justice)

[Copyright Office](#)

[University of Alberta Course Materials Copyright Information Document](#)

[University of Alberta Fair Dealing Guidelines Information Document](#)

[University of Alberta Library Document Delivery Copyright Information Document](#)

[Use of Copyright Materials Policy](#)