

**MEDICINE HAT PUBLIC BOARD OF EDUCATION OPERATES AS MEDICINE HAT PUBLIC SCHOOL DIVISION,
AND FOR THE PURPOSE OF THIS DOCUMENT WILL BE REFERRED TO AS "MHPSD" AND/OR "DIVISION"**

SECTION 700 – Educational Program

ADMINISTRATIVE PROCEDURE: COPYRIGHT

<i>PROCEDURE CODE:</i>	<i>716 AP 001</i>
Policy Reference: 716 - Copyright	Exhibits: 716 E 001 – Fair Dealing Guidelines

PROCEDURE

1. Works covered by copyright may be reproduced if the intended use falls within the Fair Dealing provision outlined in the Copyright Act.
2. Guidelines
 - 2.1. 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.
 - 2.2. Copying or communicating short excerpts from a copyright-protected work under the 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.
 - 2.3. 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:
 - 2.3.1. as a class handout;
 - 2.3.2. 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;
 - 2.3.3. as part of a course pack.
 - 2.4. A short excerpt means:
 - 2.4.1. up to 10 per cent of a copyright-protected work (including a literary work, musical score, sound recording, and an audiovisual work);
 - 2.4.2. one chapter from a book;
 - 2.4.3. a single article from a periodical;

- 2.4.4. an entire artistic work (including a painting, print, photograph, diagram, drawing, map, chart, and plan) from a copyright-protected work containing other artistic works;
- 2.4.5. an entire newspaper article or page;
- 2.4.6. an entire single poem or musical score from a copyright-protected work containing other poems or musical scores;
- 2.4.7. an entire entry from an encyclopedia, annotated bibliography, dictionary, or similar reference;
- 2.5. 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.
- 2.6. 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.
- 2.7. 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.

3. "Public Domain" Resources

Employees may reproduce works that are in the "Public Domain".

If a work is in the "public domain", it means that reproduction is allowed without requesting permission. Fifty years after the death of a creator, a work becomes part of the "public domain", except when rights are passed to others. If the work is reprinted in a new edition, only the original text is in the "public domain".

4. Ownership of Copyright

- 4.1. The Division owns copyright in any works produced by any employee in the course of his/her employment except where an agreement has been made under Item 4.2. An employee owns the copyright in works produced by the employee completely on employee time and using only employee resources.
- 4.2. The Superintendent may enter into an agreement with others [including employees] to produce, in part or in whole, a work for the Division. This agreement shall specifically address copyright of the work produced. An employee wishing to own copyright in a work produced, in whole or in part, during the course of employment, shall, before producing the work, notify the Superintendent in writing of the employee's request for an agreement with the Division.
- 4.3. The Superintendent may grant others the right to reproduce work copyrighted by the Division under such terms as may be appropriate. The reproduction must include the copyright and give acknowledgement to the authors.



- 4.4. Students own the copyright on anything that they create and parental permission to reproduce their work should be obtained if the student is under 16. Student permission is required if the student is 16 or over. Permission is not required to display student work within the school.
- 4.5. The copyright in photographs and videos taken by students with equipment and supplies provided by the school is the property of the Division.
5. Division employees will not be required by their supervisors to perform any service that is a violation of the Copyright Policy.
6. If it is necessary for Division employees to make copies of an item:
 - 6.1. Check the back of the title page in books and the table of contents page in magazines to determine what copying privileges the publisher may grant.
 - 6.2. Verify the intended use meets the Fair Dealings Guidelines in the Copyright Act.
 - 6.3. If the intended use of the item is outside the Fair Dealing Guidelines in the Copyright Act, contact the copyright owner by phone first, then follow-up with a letter for permission to photocopy.
 - 6.4. If verbal permission to photocopy copyrighted material is granted, indicate grantor, time, and date on your copy of the letter of request. If verbal permission is granted, materials may be used immediately or before the form is returned.
 - 6.5. If a fee to reproduce materials is required, confirm arrangements with the principal before proceeding with duplication.
7. Parental approval shall be obtained, unless parental consent was obtained on the Student Registration Form, to display any student work outside the school at such sites as teachers' conventions, conferences, public libraries, Central Office, the Internet, or shopping centres.
8. School administrators shall annually review the Division's Copyright Policy with school staff to ensure that employees are aware of the Copyright Law, Fair Dealing Guidelines, and the School Division Copyright Policy.
9. Freedom of Information and Protection of Privacy Release Forms for external use are available on the Division website.

REFERENCES

Copyright Act – Fair Dealing Guidelines

Copyright Law

Freedom of Information and Protection of Privacy Release Forms

Approved: January 18, 2005

Revised: November 7, 2016

