

<b>Policy Number:</b>	<b>GC-4101-2013</b>
<b>Policy Title:</b>	<b>Copyright Policy</b>
<b>Policy Owner:</b>	<b>Ted Scott, Dean, Applied Science, Chief Innovation Officer</b>
<b>Effective Date:</b>	<b>April 3, 2013</b>

**Purpose:**

The purpose of this policy is to set out rules for the use of copyright-protected materials at Mohawk College. All works, whether published in physical format, digital or publicly available on the Internet, may be subject to copyright. Rights holders have control over copying and distribution of their works. The Copyright Policy reflects these values and is communicated to all employees with the understanding that everyone will endeavour to work with others' materials in this spirit.

It is the responsibility of every College employee to understand and act within the confines of this policy.

**1. Application and Scope:**

This policy applies to all College personnel either in full or part-time employment, whether compensated or not, including staff in the Academic and Support Staff bargaining units, sessional and part time staff, administrative staff, contractors, consultants, volunteers, students employed by the College using copyrighted works whether in an academic program or in the course of their work for the College.

**2. Definitions:****a. Copyright:**

For the purposes of this policy, "copyright", in relation to a work, means the sole right to produce or reproduce the work or any substantial part thereof in any material form whatever, to perform the work or any substantial part thereof in public or, if the work is unpublished, to publish the work or any substantial part thereof...and to authorize such acts.

**b. Access Copyright: Access Copyright:**

A Canadian copyright licencing agency that collects revenues from licensed Canadian businesses, government, schools, libraries and other copyright users for the photocopying and digitizing of works and distributes those monies to the rights holders of those works, such as publishers and authors from Canada and around the world.

**c. Works, Materials, Resources:**

Any copyrighted and published or publicly available item - including but not limited to books, articles, newspapers, photographs, software, audiovisual materials. These items can be in print or digital format.

**d. Short Excerpt of a Work:**

Means one of the following:

- i. Up to 10% of a copyright protected work (including a literary work, musical score, sound recording and an audiovisual work);
- ii. One chapter from a book;
- iii. A single article from a periodical;
- iv. An entire artistic work (including a painting, print, photograph, diagram, drawing, map, chart and plan) from a copyright protected work containing other artistic works;
- v. An entire newspaper article or page;
- vi. An entire, single poem or musical score from a copyright-protected work containing other poems or musical scores;
- vii. An entire entry from an encyclopedia, annotated bibliography, dictionary or similar reference work.

### **3. Principles**

Mohawk College's decisions and actions with respect to copyright-protected works reflect the values and behaviours described in the [Employee Code of Conduct](#) and the Mohawk College [Intellectual Property policy](#).

### **4. Copyright Committee**

Mohawk College's Copyright Committee is responsible for reviewing the policy and updating it as required. The Copyright Committee may be convened to answer questions in regard to the use of copyright-protected works.

### **5. Rules and Guidelines**

Mohawk College enters into licence agreements with Access Copyright, library vendors and other parties for the use of copyright-protected works. Unless otherwise set out in a licence agreement, the rules for using copyright-protected materials at Mohawk College are as follows:

- a) Teachers, instructors, professors and staff members (including staff in the Academic and Support Staff bargaining units, sessional and part time staff, administrative staff, contractors, consultants, volunteers, students employed by the College) 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.
  - I. 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 a course:
    - i. As a class handout;
    - ii. As a posting to eLearn or other secure network used by the College that is password protected or otherwise restricted to students and employees of Mohawk College.
    - iii. As part of a course pack.

- II. 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.
  - III. Copying or communicating that exceeds the limits in this policy may be referred to a supervisor or see the contact information on the [Copyright Guide](#) for further assistance. An evaluation of whether the proposed copying or communication is permitted will be made based on all relevant circumstances.
  - IV. Any fee charged for communicating or copying a short excerpt from a copyright protected work must be intended to cover only the costs of the copying or communicating, including any overhead costs.
  - V. The use of most library materials requires the use of a link rather than reproduction of an article, chapter or portion thereof. Contact your [faculty librarian](#) for help in regard to the use library materials.
  - VI. When using a work from the Access Copyright repertoire, you should include this note: "This material has been copied/scanned/digitized under permission from Access Copyright. Further reproduction, distribution or transmission is prohibited, except as otherwise permitted by law." See the [Copyright Guide](#) for information in determining what is covered by Access Copyright.
- b) Any copyright-protected materials distributed in the College for educational purposes should cite: the author or creator, title, date created or published, date accessed (in the case of online material) and relevant publishing information (incl. a URL in the case of online material).
  - c) Any copyright-protected materials handed in to the bookstore to be made into courseware should cite the author or creator, title, date created or published, date accessed (in the case of online material) and relevant publishing information (incl. a URL in the case of online material).
  - d) Any copyright-protected materials posted in eLearn should cite the author or creator, title, date created or published, date accessed (in the case of online material) and relevant publishing information (incl. a URL in the case of online material)

## **6. Policy Revision Date**

Annually from date of approval.

Reviewed by the College Copyright Committee.