

3.4.7 Use of Copyrighted Materials

POLICY

All members of the College community are required to comply with Canadian and international copyright law when using and replicating copyrighted materials.

PURPOSE

The purpose of this policy is to ensure compliance with the Canadian and International Copyright Act and to reduce the risk to College of the Rockies that could result from copyright infringement.

SCOPE

This policy applies to all College of the Rockies personnel (as defined below), whether compensated or not, using copyrighted works whether in a College program or in the course of their work for the College. All works, whether published in physical format, digital format or publicly available on the Internet, may be subject to copyright. Rights holders retain control over the copying and distribution of their works and their moral rights. This Copyright Policy reflects these values and are communicated to all employees with the understanding that everyone will endeavour to work with others' materials in this spirit.

DEFINITIONS

Canadian Copyright Act

The Act governs the legally enforceable rights to creative and artistic works under the laws of Canada. It was first passed in 1921 and substantially amended in 1988, 1997 and 2012. All powers to legislate copyright law are in the jurisdiction of the Parliament of Canada.

College of the Rockies personnel

Any College of the Rockies student, volunteer, or person employed by the College, contractors, and sub-contractors engaged by the College and members of the Board of Governors of the College.

Copying and distribution

Any replication of information, regardless of the format of the original or the format of the reproduction. Distribution includes photocopied handouts, print or digital course packs, facsimiles, emails, uploads to course management systems, projected displays (overheads, LCD or plasma monitors or interactive whiteboards) or performances.

Copyright Office

The Copyright Office consists of the Senior Library Technician – Copyright and the Library Manager.

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Moral Rights

- Moral rights include the creator's right to be associated with the work by name or pseudonym, the right to remain anonymous, the right of attribution and the creator's right to the integrity of the work (the work shall not be used or modified to the prejudice of the creator's honour or reputation) [[Section 28.2 Canadian Copyright Act](#)].
- Moral rights are retained by the creator even after assigning copyright, but may be waived or bequeathed upon death.
- Moral rights for a work last as long as other copyrights for that work.

Works/Materials

All original literary, artistic, dramatic and musical works, as well as sound recordings, performances, computer software and communication signals.

GUIDELINES

A. Responsibilities/compliance of College of the Rockies users

A.1 All users are responsible for understanding and complying with Canadian copyright legislation, regulations, limitations and negotiated licences.

A.2 Where said legislation and licenses do not cover the intended use of the copyrighted works/materials, users shall contact the Copyright Office to seek permission for the intended use from the copyright holder.

A.3 Users shall assume that works/materials are protected by copyright, whether specifically stated or not.

B. Responsibilities/compliance of the College

B.1 College administration shall practice due diligence in ensuring College of the Rockies users adhere to copyright legislation, regulations and limitations when copying and distributing copyrighted works/materials.

C. Responsibilities/compliance of the Copyright Office

C.1. Provides education and awareness and oversees compliance of this policy.

C.2. Provides support to users through the dissemination of updated information regarding current copyright legislation, regulations, limitations, negotiated licences and best practices via

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email, information sessions, notices and **Library website** [Copyright for Faculty & Staff and Copyright for Students].

C.3. Negotiates copyright permissions and licence agreements.

C.4. Questions concerning copyright compliance should be directed to copyright@cotr.bc.ca.

D. Violations/Infringement

D.1. Failure to comply with this policy may result in disciplinary action against a College of the Rockies user. Criminal and civil penalties can be imposed for copyright infringement [[Section 35 to 42 Canadian Copyright Act](#)], as well as disciplinary action by the College will be administered in accordance with College of the Rockies policies [1.1.5 Code of Ethics; Student Affairs Policy: 2.4.4 Student Conduct].

D.2. College resources, equipment or services shall not be used to support infringement of copyright. All materials copied by students or staff, (including Production Support), sold in the Bookstore, placed on reserve in the Library, or posted to a learning management system (Moodle) are subject to current copyright law.

E. Amendment History

E.1. This policy will be reviewed and updated as necessary, to reflect changing copyright legislation.