

<b>Date Approved:</b> December 6, 2012 - Board	<b>Date of Next  Review:</b> December 2015 November, 2023	<b>Dates of Amendments:</b>
<b>Cross References:</b> <b>The Copyright Act (Revised Statutes of Canada, 1985)</b> Council of Ministers of Education Canada Copyright Consortium: Fair Dealings Guidelines, 2012 <b>Copyright Matters! (4<sup>th</sup> Edition, 2016)</b> <b>Ministry of Education Policy/Program Memorandum No.157 (June 21, 2013)</b>		
<b>Appendix</b>		

**Purpose:**

This policy is required to ensure the Toronto Catholic District School Board's compliance with **It is the policy of the Toronto Catholic District School Board to comply with** the *Fair Dealing Guidelines* as developed by the Council of Ministers of Education Canada (CMEC) Copyright Consortium.

**Scope and Responsibility:**

The policy outlines the conditions under which the Toronto Catholic District School Board can reproduce copyrighted resources under the provisions of *the Fair Dealing Guidelines* and the *Copyright Modernization Act*. The Director of Education, supported by principals and subject coordinators, is responsible for this policy.

**Alignment with MYSP:**

Fostering Student Achievement and Well-Being

Providing Stewardship of Resources

Strengthening **Enhancing** Public Confidence

**Achieving Excellence in Governance**

**Policy:**

The Toronto Catholic District School Board will comply with the *Fair Dealing Guidelines* as developed by the **Council of Ministers of Education Canada (CMEC) Copyright Consortium**. **The Toronto Catholic District School Board** ~~and~~ will communicate the *Fair Dealing Guidelines* to all school locations on an annual basis to ensure **that all staff** understanding of the obligations of the school board in accordance with the *Copyright ~~Modernization~~ Act*.

**Financial Impact:**

~~There is approximately an annual cost savings for TCDSB in the amount of \$500,000~~

**Legal Impact:**

~~There may be liability associated with failure to comply with the Fair dealing Guidelines and Copyright Modernization Act.~~

**Regulations:**

1. TCDSB Teachers, instructors, and staff members 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. Copying or communicating short excerpts from a copyright-protected work, **under the *Fair Dealing Guidelines*, for the purposes 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.
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:
  - a. as a **class** handout;
  - b. **as a posting to a learning** or an educational course management system that is **password protected or otherwise** restricted to students of the **a** school;
  - c. as part of a course package of materials.
4. **A short excerpt means:**
  - a. **up to 10 percent of a copyright-protected work (including a literary work, musical score, sound recording, and an audiovisual work);**
  - b. **one chapter from a book;**
  - c. **a single article from a periodical;**
  - d. **an entire artistic work (including a painting, print, photograph, diagram, drawing, map, chart, and plan) from a copyright-protected work containing other artistic works;**
  - e. **an entire newspaper article or page;**
  - f. **an entire single poem or musical score from a copyright-protected work containing other poems or musical scores;**
  - g. **an entire entry from an encyclopedia, annotated bibliography, dictionary, or similar reference work.**
5. ~~TCDSB staff are prohibited from~~ 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**.
6. Copying or communicating that exceeds the ~~prescribed~~ limits in the *Fair Dealing Guidelines* may be referred to a supervisor or other person designated by the TCDSB for evaluation. **An evaluation of whether the proposed copying or**

**communication is permitted under fair dealing will be made based on all relevant circumstances.** ~~based on all relevant circumstances.~~

7. Any fee charged by the TCDSB 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.

### **Definitions:**

1. Copyright

~~The exclusive legal right to reproduce, publish and sell the matter and form of a literary musical or artistic work.~~

**According to Canada's Copyright Act, copyright is "The sole right to produce or reproduce a work or any substantial part thereof in any material form, 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."**

2. Fair Dealing

~~This provision permits use of a copyright-protected work without permission from the copyright owner or the payment of copyright royalties provided that the purpose is intended for research, private study, criticism, review, news reporting, education, satire, and parody. Further, these guidelines apply to fair dealing in non-profit K-12 schools and post-secondary educational institutions and provide reasonable safeguards for the owners of copyright-protected works in accordance with the Copyright Act and the Supreme Court decisions.~~

**As per the Ministry of Education Policy/Program Memorandum No. 157 (June 21, 2013) Fair dealing is a user's right, that permits the use of a copyright-protected work for certain purposes, including for education, without obtaining permission and without paying a fee to the copyright owner.**

### ~~3. Short Excerpt~~

~~A short excerpt means:~~

- ~~a. up to 10% of a copyright-protected work (including a literary work, musical score, sound recording, and an audiovisual work);~~
- ~~b. one chapter from a book;~~
- ~~c. a single article from a periodical;~~
- ~~d. an entire artistic work (including a painting, print, photograph, diagram, drawing, map, chart, and plan) from a copyright-protected work containing other artistic works~~
- ~~e. an entire newspaper article or page;~~
- ~~f. an entire single poem or musical score from a copyright-protected work containing other poems or musical scores;~~
- ~~g. an entire entry from an encyclopaedia, annotated bibliography, dictionary or similar reference work.~~

### **Evaluation and Metrics:**

The effectiveness of the policy will be determined by measuring the following:  
The Director of Education, supported by school principals and subject coordinators, shall ensure compliance.