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## **Use of Materials Protected by Copyright**

Policy No.:	7506
Category:	Information Management
Approving Body:	Leadership Team
Executive Division:	Student Services
Department Responsible:	Library Services
Approval Date:	2013 Oct 17
Effective Date:	2013 Oct 17

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### **Policy Statement**

BCIT respects the rights of copyright owners and is committed to compliance with Canadian copyright legislation.

All BCIT students, employees, and contractors (BCIT users) are responsible for making themselves aware of BCIT's Fair Dealing Guidelines, and for taking the necessary steps to ensure that their use of copyright-protected materials does not infringe copyright, or is compliant with the terms of a licensing agreement or other contract between BCIT and the copyright holder.

This policy applies to the use of all materials protected by copyright including, but not limited to, published works, art, photographs, audio-visual materials, music, and software in any form (e.g., print, digital, audio-visual, film) and to all BCIT users.

### **Purpose of Policy**

The purpose of this policy is:

- To establish a framework for acceptable use of materials protected by copyright
- To outline roles and responsibilities related to the use of material that is subject to protection under the *Copyright Act* by BCIT students, employees, and contractors.

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### **Application of this Policy**

This policy applies to all BCIT students, employees, and contractors.

## Related Documents and Legislation

### BCIT Policies:

- Policy 5002, Student Regulations
- Policy 5014, Academic Integrity and Appeals
- Policy 6400, Authored Books
- Policy 6601, Intellectual Property
- Policy 7540, Retailing of Course Materials

### Legislation:

- *Canada Copyright Act*
- *Copyright Modernization Act*

## Definitions

### BCIT User

A BCIT user is any BCIT student, employee, or contractor.

### Copyright

Copyright refers to the exclusive right of copyright owners to determine the use of their original literary, artistic, musical, or dramatic works. Only the copyright owner may reproduce, perform, translate, or publish his/her work or authorize others to do so. Protection of works is automatic and exists as soon as a work is created and continues until 50 years after the creator's death.

### Licence

"Licence," for the purposes of this policy, refers to permission granted by the copyright owner to another party to use a copyright-protected work without any transfer of ownership of that work. The terms and conditions of use of the copyright-protected work are usually outlined in a legally binding document called a licence agreement.

### Plagiarism

Academic integrity requires that persons do not falsely claim credit for ideas, writing, or other intellectual property of others, either by presenting such works as their own or through impersonation.

## Compliance with this Policy

Failure to comply with this policy may result in disciplinary action against a BCIT user. Disciplinary action will be governed by BCIT policies and collective agreements. Such disciplinary action may include suspension or expulsion of students or dismissal of employees.

## Duties and Responsibilities

### BCIT Copyright Office

The Copyright Office is responsible for:

- Overseeing compliance with applicable copyright legislation and best practices, including obtaining legal input on copyright matters as considered necessary
- Providing advice and guidance on copyright law and best practices to BCIT users
- Negotiating and administering contracts with Access Copyright
- Developing and maintaining a BCIT rights and permissions database
- Managing the Access Copyright expense and copyright recoverable/revenue budgets

## Duties and Responsibilities

- Providing support for copyright compliance through the BCIT Copyright webpage

### BCIT Students

BCIT students are responsible for:

- Understanding and complying with BCIT's Access Copyright and other licences for copying, storing, or transmitting works, by print or electronically
- As required, personally obtaining permission from copyright owner to use or reproduce works not covered by Access Copyright or other BCIT licences, Fair Dealing or other exceptions under the *Copyright Act*
- Understanding and complying with the licence agreements for software they are using

### BCIT Employees and Contractors

BCIT employees and contractors are responsible for:

- Understanding and complying with BCIT's Use of Copyright Protected Materials policy and Fair Dealing Guidelines
- If applicable, ensuring that necessary permissions are in place if use of a work is not covered under an existing BCIT licence, Fair Dealing or other exceptions under the *Copyright Act*
- Submitting a copy of any personally negotiated reproduction agreements to the BCIT Copyright Office for entry into the rights and permissions database
- Understanding and complying with the licence agreements for software they are using
- Forwarding requests from external parties to use BCIT works to the BCIT Copyright Office

### Administrators

Administrators are responsible for:

- Designating a copyright compliance contact within their schools or departments
- Supervising the clearance staff in their departments, if applicable

### Copyright Compliance Contacts

Copyright Compliance Contacts are responsible for:

- Liaising with the BCIT Copyright Office on copyright compliance matters, including negotiation of permissions and licence agreements
- Submitting a copy of any permissions and/or licence agreements negotiated by the school or department to the BCIT Copyright Office for entry into the rights and permissions database
- As applicable, advising users within their school or department about copyright compliance and plagiarism

### Corporate Services

Corporate Services is responsible for:

- Obtaining legal services to support copyright compliance, as required
- As applicable, contract review and management

### BCIT Bookstore and Imaging

BCIT Bookstore and Imaging are responsible for:

- Obtaining necessary permissions to reproduce works for printed coursepacks in the most cost-efficient manner
- Tracking printed coursepack reproduction

## Duties and Responsibilities

- Updating the BCIT rights and permissions database with permissions and royalties due
- As applicable, advising BCIT users on copyright compliance and plagiarism

### Library Services

Library Services is responsible for:

- Negotiating licence agreements for purchased information resources
- Managing database licences
- As required, checking and obtaining permissions, in the most cost-efficient manner, for use of copyright protected works that are not covered under existing BCIT licences, Fair Dealing or other exceptions under the *Copyright Act*
- Updating the BCIT rights and permissions database with permissions and royalties due
- As applicable, advising BCIT users on copyright compliance and plagiarism

### Learning and Teaching Centre

The Learning and Teaching Centre is responsible for:

- Overseeing the use of copyright-protected materials within BCIT's online learning environment
- Liaising with the BCIT Copyright Office on copyright compliance matters
- As applicable, advising BCIT users on copyright compliance and plagiarism

## Procedures Associated With This Policy

- BCIT Copyright Fair Dealing Guidelines

## Forms Associated With This Policy

Copyright Clearance Request  
Copyright Permission Check Request

## Amendment History

1. Created	1990 Apr 18
2. Revision 1	1996 Oct 18
3. Revision 2	2004 Sep 13
4. Revision 3	2008 Sep 30
5. Revision 4	2013 Oct 17

## Scheduled Review Date

2015 Oct 01