

# Copyright: Use of Materials Protected by Copyright

---

## University of Saskatchewan Policies

### Use of Materials Protected by Copyright

Category:	Operations and General Administration
Responsibility:	Vice-President (Finance and Resources)
Authorization:	Board of Governors and University Council
Approval Date:	By Council on November 19, 2009; By Board of Governors on December 16, 2009

#### **Purpose:**

To define acceptable use of materials protected by copyright (also referred to as "copyright materials"), to outline the responsibilities of all users of copyright materials in all media, and to establish a framework for responsible practice.

#### **Principles:**

The university respects intellectual property and intellectual property laws.

The university respects the rights of copyright holders, their legitimate assertions of their rights and any rules that they articulate for the use of their material.

Faculty and students require access to instructional materials that exist in both electronic and more traditional, non-electronic formats, and material in electronic form is entitled to the same protection as material in more traditional, non-electronic forms.

The university has individual and collective responsibility to act responsibly in providing the materials that students and faculty require.

#### **Definitions:**

A *classroom* is any physical or virtual environment where access is normally restricted to class members or those granted access by the instructor. Certain exceptions to copyright legislation apply in the classroom.

A number of *exceptions* are built into federal legislation for the use of materials protected by copyright. In addition to fair dealing provisions, exceptions include, but are not limited to certain types of public performances, the reproduction of copyright material for the purposes of examination and testing, and the taping of certain radio

and television program for educational purposes in classrooms and on the premises of educational institutions.

*Fair dealing* refers to the use of less than substantial passages and quotations from material protected by copyright for the purpose of private study, research, criticism, review and/or newspaper reporting.

*University premises* include any location, physical or virtual, where (and when) University of Saskatchewan instruction is delivered. University policies and practices govern behaviour on University premises.

### **Scope of this Policy:**

The use of material protected by copyright policy applies to all members of the university community including faculty, staff and students. This policy and federal legislation apply to all materials protected by copyright, including, but not limited to, published works, art, photographs, audio-visual materials, music, and software in all forms.

Related legislation, policies, regulations and collective agreements include the following:

- # Copyright Act
- # Computer Use Policy
- # Electronic Mail (email) Policy
- # Library Materials Policy (and associated procedures)
- # Student Discipline and Appeals Policy
- # Misconduct in Scholarly Work Policy
- # Research Publications Policy
- # Standard of Student Conduct in Non-Academic Matters
- # Student Academic Dishonesty Rules
- # Various license agreements including, but not limited to:
  - o Access Copyright
  - o Audio Cine
  - o Criterion
  - o library licenses
  - o software licenses
  - o independent license agreements

Copyright ownership of materials produced by members of the university community is a separate issue and is addressed in both legislation and various collective agreements.

### **Policy:**

The University of Saskatchewan is committed to compliance in all copyright matters.

The university is granted permission to use certain copyright materials through various licensing agreements. The use of these materials is governed by the terms of the licensing agreement or other contracts between the university and the vendor/copyright holder.

It is the responsibility of each individual member of the university community to comply with copyright considerations. The university will provide advice and assistance.

Unless permitted by the terms of a specific licensing agreement or other contract, or an exception outlined in the Copyright Act applies, reproduction of copyright material, whether purchased, borrowed, rented or acquired for preview, in whole or in part, by any means necessary, is not allowed without the permission of the copyright holder. Electronic works have copyright protection that is identical to that of traditional, non-electronic works.

University-owned software refers to software product copies and licenses purchased by university funds or research grants administered by the university or software acquired by the university through some contractual agreement. "University-owned" does not imply copyright ownership of a software product, but rather the right to use the software as prescribed by the license or other contractual agreement. The university does not permit the use of illegal software copies, or the illegal copying of computer software on university facilities and/or equipment. Unauthorized copying of computer software exposes the individual and the institution to legal action for copyright infringement or for breach of the license agreement.

### **Responsibilities:**

All members of the university community have the responsibility to respect the rights of copyright owners, to make themselves aware of federal legislation and the exceptions outlined therein, and to take the steps necessary to ensure that their use of all copyright materials is compliant. The university has the responsibility to provide education and advice to all members of the university community on appropriate use, on the Copyright Act, and on exceptions.

All members of the university community have the responsibility to recognize the important distinction between materials that are publically accessible via the Internet or other electronic means, and works that can be freely used.

In addition to their personal responsibility for compliant use, faculty members also have a duty to inform their students of their responsibilities in their use of materials and advocate that students act with this responsibility in mind.

Deans, department/unit heads and research account holders are responsible for taking reasonable steps to ensure effective implementation of this policy and to encourage continued compliance with it.

The Copyright Coordinator and others who negotiate and handle licenses or contracts governing the use of copyright materials have the responsibility to make the terms of the agreements available on request to interested parties and to assist with compliant use.

The university has the responsibility to ensure the integrity of spaces where access is normally restricted, such as classrooms, both physical and virtual in nature, to ensure compliance with copyright agreements and legislation.

### **Non-compliance:**

Non-compliance is a violation of federal legislation. In addition to any actions that might be taken by any copyright owner or licensing agent, the university will take action on any breaches of this policy.

If there is reason to suspect that university policies have been, or are being violated, or that continued access to and use of copyright materials poses a threat to the reputation of the university, the university will take action.

Following due process, the university may take action against anyone whose activities are in violation of this policy. The actions taken may include, but are not limited to:

- # disciplinary action for employees
- # disciplinary action for students under either Council Regulations on Academic Dishonesty or Senate Non-Academic Disciplinary regulations
- # legal action that could result in criminal or civil proceedings.

### **Procedure Summary:**

Procedures concerning the use of copyright material, including the steps needed to clear copyright, are available from the Copyright Coordinator.

### **Guidelines:**

Guidelines for this policy are developed and maintained by the Copyright Advisory Committee. Please see the guidelines and resources page of the Copyright website: <http://www.usask.ca/copyright/Resources.php>

Contact: Copyright Coordinator, Corporate Administration (966-8817); Director, Corporate Administration (966-8781),

Website: <http://www.usask.ca/copyright/>