

1.0 POLICY STATEMENT

- 1.1 MacEwan University (the “University”) is committed to creating and upholding an environment of responsible Use of Copyright Protected Works through Copyright literacy, promoting the Use and creation of Open Access and Open Education Resources, and the lawful management of Copyright Protected Works.

2.0 PURPOSE

- 2.1 This policy specifies requirements regarding the Use of Copyright Protected Works, so that Members of the University Community understand their rights and responsibilities and apply practices that are respectful of licensing agreements, permissions, and User Rights in Copyright law.

3.0 APPLICABILITY

- 3.1 This policy applies to all Members of the University Community.
- 3.2 This policy does not address faculty members’ intellectual property rights, which are governed by the Grant MacEwan University Faculty Association Collective Agreement.

4.0 DEFINITIONS

Copyright

The protection that Copyright Protected Works receive under international and Canadian law which includes the sole right to produce or reproduce the work or any substantial part thereof in any material form whatsoever, to perform the work or any substantial part thereof in public or, if the work is unpublished, to publish the work of any substantial part thereof, for a limited time depending on context and jurisdiction.

Copyright Protected Work

An original literary, dramatic, musical, or artistic work under the protection of Copyright, excluding works that are in the Public Domain.

Creative Commons License

A licensing model that allows creators to share their works with users for defined or unlimited purposes without the need for users to seek explicit permission.

Fair Dealing

A User Right to produce copyrighted works for the purpose of private study, research, criticism, review, news reporting, parody, satire, or education.

Licensing Agreement

An agreement between two parties where one party, the licensor, grants or assigns defined rights to the other party, the licensee. The agreement typically outlines the parameters of how a work can be used and by whom.

Open Access

Unrestricted online access to research literature and outputs typically through an open access journal or repository.

Open Education Resources

Teaching and learning materials that are freely available, which have no technical access barriers and can be used, shared, or adapted without permission of the owner in accordance with a Creative Commons License.

Public Domain

Works with no restriction on their use due to the expiry of Copyright.

Members of the University Community

All faculty members, staff, administrators, students, visiting scholars, and anyone who may be using Copyright Protected Works in the course of their association with the University.

Use

Use of a Copyright Protected Work which includes reproduction, transmission, public performance, display, and translation.

User Rights

Legal rights provided by Copyright law without the need for permissions from a holder of a copyright protected work, including Users' rights for the following persons or contexts, amongst others: Fair Dealing, persons having perceptual disabilities, copies used by faculty members for purposes of testing or examinations, back-up or remedial copies of computer programs, performance uses by or for students, and other provisions for educational institutions, libraries, archives, and museums.

5.0 POLICY ELEMENTS

5.1 University Responsibilities

- 5.1.1 The University will support responsible Use of Copyright Protected Works through the provision of the following services:
 - 5.1.1.1 the creation and delivery of education events and training materials to promote copyright literacy and the appropriate Use of Copyright Protected Works;
 - 5.1.1.2 the acquisition and management of Library resources, both physical and electronic, including articles, ebooks, and streaming media whether through purchases, permissions, or licenses related to Copyright Protected Works;
 - 5.1.1.3 the management and retention of records related to Copyright Protected Works, including permissions, contracts, and licenses; and
 - 5.1.1.4 the provision of advisory and permission services to Members of the University Community regarding the Use of Copyright Protected Works.
- 5.1.2 The University will encourage the creation and Use of Open Access and Open Education Resources.
- 5.1.3 Where the University owns the Copyright in works specifically commissioned by the University under a written contract, the University will normally adopt a permissive licensing scheme, such as a Creative Commons license, to maximize the Use of the Copyright Protected Work. The appropriate license selected by the University will normally require attribution of the author and preclude commercial use of the Copyright Protected Work.

5.2 Members of the University Community Responsibilities

- 5.2.1 All Members of the University Community must exercise due diligence in the Use of Copyright Protected Works, including:
 - 5.2.1.1 complying with Canadian Copyright law;

- 5.2.1.2 complying with Licensing Agreements of Copyright Protected Works;
- 5.2.1.3 aligning the Use of the Copyright Protected Work with any permissions received from the owner of the Copyright; and
- 5.2.1.4 staying informed regarding Copyright and the Use of Copyright Protected Works.

5.2.2 Any Member of the University Community engaged in the Use of Copyright-Protected Work that is unauthorized or in breach of the Copyright Act, a licensing agreement, or applicable permissions may be subject to disciplinary action under the appropriate University policy, Code of Conduct, or collective agreement.

5.3 Use of Copyright Protected Works

- 5.3.1 The University supports and promotes the responsible Use of Copyright Protected Works, and actively acquires a diverse collection of learning resources including articles, ebooks, and streaming media, for Members of the University Community.
- 5.3.2 Use of Copyright Protected Works may fall under User Rights, such as Fair Dealing, or be permitted pursuant to applicable Licensing Agreements or permissions granted by the owner of the Copyright.
- 5.3.3 Where a proposed Use of Copyright Protected Work falls outside of User Rights or applicable Licensing Agreements or permissions, the University may facilitate the process of obtaining permissions or suggest alternative resources.

6.0 ASSOCIATED PROCEDURES

- MacEwan University Copyright Guidelines

7.0 RELATED POLICIES, FORMS, AND OTHER DOCUMENTS

- Copyright Act
- Student Code of Conduct
- Grant MacEwan University Faculty Association Collective Agreement
- Grant MacEwan University MacEwan Staff Association Collective Agreement

8.0 ACCOUNTABILITY

Policy Sponsor

Provost & Vice-President, Academic

Responsible Office

University Library

9.0 HISTORY

Relevant Dates

Approved: **22.03.17**
Effective: **22.03.17**
Next Review: **2027.03**

Modification History

82.09.16: Prepared jointly by the Board of Governors and Faculty Negotiating Committee. Ratified 82.09.16 through approval 82.09.08 memo from the Chairman of the Board's Negotiating Committee.

03.02.01: Format Updated.

09.10.08: Terminology updated to reflect name change to Grant MacEwan University. Approved by Board motion 01-10-8-2009/10.

22.03.17: Policy revised to update content to align with relevant legislation and to include elements of rescinded Reproduction and Use of Copyrighted Materials policy. Approved by Board of Governors Motion #08-03-17-2121/2022.