



USE OF MATERIALS PROTECTED BY COPYRIGHT POLICY

Policy Area:	Administrative
Policy Number:	CPYPR_2409N_SPN/LIB
Policy Sponsor:	Director, Library Services
Policy Contact:	Librarian, Business Liaison & Copyright
Stakeholders:	Employees, Students, College Community Members
Authority:	<i>College and Institute Act</i>
Approval Authority:	Executive Team
Approval Date:	September 11, 2025
Effective Date:	June 1, 2025
Replaces or New:	Copyright Fair Dealing Policy (E. 5.5), November 10, 2012
Last reviewed:	September 2024 Scheduled review date: March 2029

Procedures: *Procedures for Fair Dealing*

1. Policy Statement

Okanagan College is committed to ethical behaviour and integrity in all activities including the use of copyrighted materials as a form of intellectual property. All members of the Okanagan College Community using copyrighted materials are responsible for complying with the federally legislated *Copyright Act* (R.S.C., 1985, c. c-42), and any other related College policies, including protection of Copyright Owner rights, and recognition of user rights in relation to copyrighted materials owned by others.

2. Purpose

This Policy defines the acceptable use of materials protected by copyright (also referred to as "copyrighted materials"), to outline the responsibilities of the College Community regarding the use of copyrighted materials in all media, to establish responsible practices around the use of copyrighted materials, and to limit legal liability of the College Community for Copyright Infringement through due diligence in the use of copyrighted materials.

3. Scope and Application

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, performances, and software in any form (e.g., print, digital, audio-visual, film). This policy applies to all members of the College Community, in all activities, including but not limited to, college teaching, learning, research and administrative activities.

This Policy does not apply when members of the College Community participate in activities outside of Okanagan College, or as part of organizations that operate outside of the College, such as employment outside of Okanagan College, volunteer activities, or activities conducted while on unpaid leave of absence.

In some circumstances, Copyright ownership may be determined by relevant Employee Collective Agreements.

4. Definitions

Copyright	Means the exclusive intellectual property right of copyright owners over their original work, which may include a literary, musical, artistic, dramatic, photographic or film work, fixed in any tangible medium of expression. The copyright owner holds the exclusive right to reproduce, adapt, distribute, perform, and display the work, and to authorize others to do the same.
Copyright Owner	Means an individual, a group, or an organization who holds exclusive legal rights to copyrighted material.
College Community	Means Students, Employees, members of the Board of Governors of the College, contractors, volunteers, and visitors.
Exceptions	Means a number of clauses built into the <i>Copyright Act</i> that allow for the use of materials protected by copyright, in addition to Fair Dealing provisions.
Fair Dealing	Means a provision of the <i>Copyright Act</i> that permits the use of copyrighted works, or short excerpts, for the purposes of research, education, private study, criticism, review, parody, satire or news reporting without the copyright owner's permission or payment of royalties
Indigenous Knowledge	Means a set of complex and dynamic knowledge systems based on the worldviews of Indigenous Peoples, which reflect the unique culture, languages, values, histories, governance, lands, and legal systems of Indigenous Peoples passed down through generations via language, stories, songs, rituals, and ceremonies.
Infringement	Means an act violating any of a copyright owner's exclusive rights identified under the <i>Copyright Act</i> , without the consent of the owner of the copyright.

Intellectual Property	Means any form of knowledge or expression created by human intellect that can be owned by a person and is the result of intellectual or artistic activity. It includes, but is not limited to, knowledge or expression that can be protected by statute, legislation, or rights such as Patents, Copyright, Trademarks, and Trade Secrets, as well as the physical embodiments of intellectual efforts such as, designs, integrated topographies, models, machines, computer programs, chemicals, other compositions of matter, plants, records of research, original data, plant breeders' rights, know-how, and other creative works which have value.
Licenses	Means agreements between copyright owners or their licensing agents and end-users that permits the use of materials protected by copyright without any transfer of ownership of that work.
Public Domain	Means works in which copyright has expired or rights have been waived by the rights holder. Works in the public domain can be used freely without payment or permission from the rights holder.

5. Responsibility

- 5.1 It is the responsibility of each College Community member to comply with copyright law and college guidelines pertaining to Copyright and Fair Dealing. All members will endeavour to inform themselves of their legal duty and conduct their actions accordingly.
- 5.2 All members of the College Community are responsible for ensuring proper permissions have been obtained for the use of copyrighted materials when required, and materials are sourced legally and ethically.
- 5.3 Employees who work directly with students are responsible for their own compliance, as well as for educating their students about their responsible use of materials protected by copyright and acting in accordance with expectations outlined in any relevant College academic conduct policies.
- 5.4 Deans, Directors, and Department Chairs are responsible for taking reasonable steps to implement this policy and to ensure the necessary supports are in place to facilitate ongoing compliance.
- 5.5 Failure to comply with this policy may constitute misconduct or potential Infringement of Intellectual Property and may be pursued through appropriate actions under the applicable collective agreement, employment contract, College policy, or law.
- 5.6 The Library in consultation with the Copyright Officer, normally the Director of Library Services or their designate, will provide advice and assistance to the users on Copyright compliance.

6. Authorized and Acceptable Use

- 6.1 Individuals subject to this policy will only use material protected by Copyright when:
 - a) The use is permitted under the *Copyright Act*;
 - b) The College has a specific License Agreement or other contract, which permits access to specific works pursuant to negotiated contract terms and conditions;
 - c) Written permission from the rightsholder has been obtained, which may include restrictions by the copyright owner that should be agreed to by all parties; or

- d) The work is designated as open access through a creative commons license or other similar open license notice.
- 6.2 Copyright law and College guidelines pertaining to Copyright and Fair Dealing apply to both electronic and non-electronic works.
- 6.3 All photographs, audio-visual materials, and other published works by College Relations are the property of Okanagan College, and the College holds the Copyright to such content.

7. Indigenous Knowledge

- 7.1 Okanagan College recognizes Indigenous people's right to develop, maintain, control, and protect their Intellectual Property, including their tangible and intangible cultural heritage, knowledge, and cultural expressions.
- 7.2 Okanagan College is committed to respecting and affirming Indigenous people's ownership of their traditional and living Indigenous knowledge. In accordance with *Article 31* of the United Nations Declaration on the Rights of Indigenous Peoples, Okanagan College recognizes the need to refer to principles and guidelines such as OCAP® (The First Nations principles of ownership, control, access, and possession), that allow Indigenous peoples the right to own, maintain, control, protect and develop their cultural heritage, traditional knowledge, and cultural expressions, as well as the manifestations of their sciences, technologies, and cultures.
- 7.3 Okanagan College works with Indigenous people and communities to recognize and protect the rights of Indigenous people's ownership of their knowledge.

8. Infringement

- 8.1 Copyright Infringement can result in legal liability for College Community Members individually. Action may be taken by the Copyright Owner and/or its authorized agent. Okanagan College will act in accordance with relevant College policies regarding non-compliance and any misappropriation or Infringement of intellectual property rights of Copyright Owners.
- 8.2 Okanagan College does not permit the use of college equipment, services, or other resources, that risk legal action as the result of Copyright Infringement or for breaching License Agreements.
- 8.3 Possible cases of Copyright Infringement or non-compliance should be reported to the College's Copyright Officer, or relevant Dean or Director, in accordance with appropriate procedures.

9. Alternatives to Materials Protected by Copyright

- 9.1 As an alternative to using materials protected by copyright, the College encourages reduced reliance on works that require permission and/or financial compensation, including the application of Fair Dealing or relevant Copyright Exceptions, and using Creative Commons openly licensed materials, including Open Education Resources (OER).

10. Related Acts and Regulations

Copyright Act, R.S.C., 1985, c. C-42 as amended (the "Copyright Act")
United Nations Declaration on the Rights of Indigenous Peoples Act
First Nations Principles of OCAP® (Ownership, Control, Access, and Possession)

11. Supporting References, Policies, Procedures and Forms

References

Canadian Federation of Library Associations Position Statement on Indigenous Knowledge in Canada's Copyright Act
Okanagan College BCGEU Vocational Instructors Collective Agreement
Okanagan College Faculty Association Collective Agreement
Okanagan College Library Copyright Guide

Policies

Code of Ethical Practices Policy
Integrity in Research & Scholarship Policy
Student Non-Academic Misconduct Policy
Use of Information Technology Resources Policy

History / Revisions

Date	Action
2024-09-11	Revision approved by Executive Team: <i>Use of Materials Protected by Copyright Policy (CPYPR_2409N_SPN/LIB)</i> <i>Replaces Copyright Fair Dealing Policy (E.5.5)</i>
2012-11-09	Approval by President: <i>Copyright Fair Dealing Policy (E.5.5)</i>