

Policy #	AC1111
Approved by:	Jason Hunter
Approval Date:	October 13, 2022
Policy Holder Signature:	
Policy Holder:	VP, Students and Institutional Planning
Administrative Contact:	Library Director
Replaces Policy Dated:	January 4, 2013
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FAIR DEALING POLICY

Purpose/Rationale:

This policy applies to fair dealing in The Humber College Institute of Technology and Advanced Learning (hereafter referred to as “Humber” or “the College”) and provides reasonable safeguards for the owners of copyright-protected works in accordance with the Copyright Act and Supreme Court decisions.

Scope:

The policy applies to all employees of the College.

Definitions:

Fair Dealing: a user’s right in copyright law permitting use, or “dealing,” with a copyright protected work without permission or payment of copyright royalties.

Copyright: the exclusive legal right given to a creator to reproduce, publish, sell or distribute their work.

Policy:

For the use of a copyrighted work to qualify as fair dealing as defined in the Copyright Act, two tests must be passed.

First, the “dealing” must be for one of the purposes stated in the Copyright Act: education, research, private study, criticism, review, news reporting, satire, and parody. Educational use of a copyright-protected work passes the first test.

The second test is that the dealing must be “fair” as determined by six factors identified through decisions of the Supreme Court of Canada which have provided guidance as to what this test

means in a postsecondary institution. The six factors are explained in article 7 of the following section.

Guidelines

1. Faculty and staff members at Humber College may reproduce and distribute, in paper or electronic form, short excerpts from a copyright-protected work for the purposes of education, research, private study, criticism, review, news reporting, satire and parody.
2. A short excerpt means one of the following, whichever is greater:
 - up to 10% of a copyright-protected work (including a literary work, musical score, sound recording, and an audiovisual work)
 - one chapter from a book
 - a single article from a periodical
 - an entire artistic work (including a painting, print, photograph, diagram, drawing, map, chart, and plan) from a copyright-protected work containing other artistic works
 - an entire newspaper article or page
 - an entire single poem or musical score from a copyright-protected work containing other poems or musical scores
 - an entire entry from an encyclopedia, annotated bibliography, dictionary or similar reference work.
3. A single copy of a short excerpt from a copyright-protected work may be distributed to each student enrolled in a class or course:
 - as a class handout
 - as a posting to a learning management system that is password protected or otherwise restricted to students of the educational institution.
4. Reproducing or distributing short excerpts from a copyright-protected work under this Fair Dealing Policy for the purpose of news reporting, criticism or review must reference the source and, if given in the source, the name of the author or creator of the work. Attribution is always necessary whenever you use the work of someone else in your research, teaching and/or learning, both from a copyright perspective, and to avoid allegations of plagiarism.
5. Reproducing or distributing multiple short excerpts from the same copyright-protected work, with the intention of copying substantially the entire work, is prohibited.
6. Copying or communicating from Humber licensed electronic resources is governed by the terms of the college's licenses with the vendors and publishers of those resources. If there is a conflict between the terms of such a license and the terms of the Fair Dealing policy, the terms of the license will prevail.

7. Reproducing or distributing that exceeds the limits in this Fair Dealing Policy requires the application of six factors to determine if the copying is “fair”. These factors are: the purpose; character and amount of the copying; alternatives to the copying (e.g. content is available in library electronic resources); nature of the work; and the effect of the dealing on the work. The Humber Libraries copyright staff will assess the request and advise if copying is permitted. Contact copyright@humber.ca to initiate an assessment or to make an inquiry.

8. Any fee charged by Humber College for reproducing or distributing a short excerpt from a copyright-protected work must be intended to cover only the costs of the institution, including overhead costs.

References:

[Copyright Policy](#)

[Acceptable Use Policy for Technical Services](#)

[Intellectual Property Policy](#)

[Humber Library Copyright Website](#)

[The Copyright Act of Canada](#)

Appendices:

N/A

Related Procedure(s):

N/A