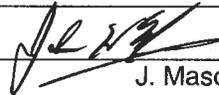


<b>Policy #</b>	AC111
<b>Approved by:</b>	
<b>Name:</b>	J. Mason
<b>Title:</b>	Vice President Student & Corporate Services
<b>Approval Date:</b>	January 4, 2013
<b>Policy Holder:</b>	Vice President Student & Corporate Services
<b>Administrative Contact:</b>	Copyright Librarian
<b>Replaces Policy Dated:</b>	
<b>Review Date:</b>	January 2018

## Fair Dealing

### Purpose/Rationale:

This policy applies fair dealing in the Humber College Institute of Technology & 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.

**This document is available in an alternate format on request.**

### Scope:

The policy applies to all employees of the College.

### Definitions:

*Fair Dealing*: a provision in the *Copyright Act* that permits use of a copyright-protected work without permission from the copyright owner or the payment of copyright royalties. To qualify for fair dealing, two tests must be passed:

- 1) 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.
- 2) 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 postsecondary educational institutions. The six factors are explained in article 7 of the following section.

### Policy:

1. Faculty and staff members at Humber 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:
  - a) up to 10% of a copyright-protected work (including a literary work, musical score, sound recording, and an audiovisual work)
  - b) one chapter from a book
  - c) a single article from a periodical
  - d) an entire artistic work (including a painting, print, photograph, diagram, drawing, map, chart, and plan) from a copyright-protected work containing other artistic works
  - e) an entire newspaper article or page
  - f) an entire single poem or musical score from a copyright-protected work containing other poems or musical scores
  - g) 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:
  - a) as a class handout
  - b) as a posting to a learner management system that is password protected or otherwise restricted to students of the educational institution.
4. Contractual obligations take precedence over fair dealing rights. Content from a personal journal subscription, iTunes, Netflix, etc. cannot be reproduced or distributed without permission of the copyright owner.
5. 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.
6. Reproducing or distributing multiple short excerpts from the same copyright-protected work, with the intention of copying substantially the entire work, is prohibited.
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. library e-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](mailto:copyright@humber.ca) for details.
8. Any fee charged by Humber 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:**

The Association of Canadian Community Colleges Fair Dealing Policy (August 30, 2012)

Humber Copyright Policy

Copyright Act

**Appendices:**

Copyright Answers for Humber Faculty

Copyright Answers for Humber Students

Need help with copyright? Email [copyright@humber.ca](mailto:copyright@humber.ca)

**Related Procedure:**

None