

Section:	Academic / Student (AC)
Subject:	Programs and Curriculum
Legislation:	<i>Copyright Act</i> (R.S.C., 1985, c.C-42)
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**APPROVED:** \_\_\_\_\_  
**President and CEO**

## **POLICY**

The policy of the Board of Governors is to ensure that the SAIT community is aware of and complies with Canada’s copyright laws and with SAIT’s policies, procedures and legal obligations concerning the use of copyright-protected materials in the course of teaching, learning, research and administrative activities at SAIT.

## **PROCEDURE**

### **DEFINITIONS**

- Commercial use** Materials that will be offered for sale or licence and that are intended to generate sales revenues or royalties.
- Copyright** The exclusive right of the copyright owner to reproduce, scan, distribute, perform, publish, adapt, translate and otherwise control the copyright-protected work. Copyright is recognized internationally, but different countries protect it to different levels.
- Copyrighted works** Original literary, dramatic, scientific, musical or artistic works, or sound recordings. These include, without limitation, published and unpublished works, including books, textbooks, articles, software content and computer programs, CDs,

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DVDs, source codes, data, forms, compilations, pamphlets, lectures, brochures, advertising, manuals, charts, maps, circuit boards, feature films, documentaries, video clips, film trailers, sound recordings, drawings, cartoons, manuscripts, blueprints, architectural plans, photographs, music and art works. These can be either SAIT-created or externally-created.

Copyright does not exist in ideas, fonts, mathematical equations or factual information, but does exist in the original expression of an idea. For copyright to arise, the work must be original (independently created and not copied from another work), creative and fixed in some fashion and medium for more than a transitory period.

**Course collection**

Bound or otherwise packaged or assembled copies of published works from more than one publication.

**Courseware**

External computer software containing text and multimedia which is published as an independent product or as an accompanying resource for a textbook and which serves as an educational product intended for instructors, trainers or students. Publishers often use the term “e-package” to refer to courseware that accompanies a textbook.

**Digital, electronic**

For the purpose of this procedure, these two terms have the same meaning.

**Digital Rights Management (DRM)**

Technologies that a copyright owner uses to protect digital works from unauthorized access and use, and that are often known as “digital locks”. These technologies may include:

- Devices or components that restrict unauthorized access to or use of a work;
- Encryption to control access and reproduction of online works; and/or
- Information attached to or embedded in a digital work that is used to identify the work, its author or maker and/or any conditions of use of that work.

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**External materials**

Print or digital works owned by an individual or entity other than SAIT.

**Fair dealing**

A user's right in copyright law that permits the use of, or "dealing" with, a copyright-protected work without permission or payment of copyright royalties for the specified purposes of research, private study, criticism, review, news reporting, education, satire or parody, provided that the use is "fair". Fair dealing is discussed later in this procedure and in Schedule A, an Associated Document to this procedure.

**Open licence**

A standardized way for copyright owners to grant permission for access, use and distribution of their copyrighted works, subject to stated restrictions to accessing, using, repurposing, reusing or redistributing creative works. Creative Commons licences are one form of open licence. The use of open licences at SAIT is governed by procedure [AC.2.21.1 Open Educational Resources](#).

**Public domain**

Information and/or materials that are not protected by copyright, because either the term of copyright protection has expired or the copyright owner has waived copyright protection.

**SAIT community**

For the purpose of this procedure, the SAIT community includes SAIT's governors, employees, students, contractors, consultants and agents.

**SAIT licence**

A licence agreement into which SAIT enters (as the licensee) with the copyright owner or the owner's own licensee or a copyright collective (as the licensor). Pursuant to the terms and restrictions of such an agreement, SAIT is authorized to deal with the copyright-protected work.

**SAIT's copyright officer**

SAIT employee who offers advice and guidance on copyright issues falling within the scope of this policy and procedure; provides copyright awareness training for SAIT employees and students; administers copyright licences (excluding SAIT's Library's licences); and obtains copyright permissions from copyright owners as SAIT requires.

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**User content  
(UC)**

Text, photos, videos and/or other content that an individual creates or submits to SAIT or a third party by website or social media platform, such as but not limited to Instagram, Twitter and Facebook.

**GOVERNING PRINCIPLES**

1. A member of the SAIT community who wishes to communicate, reproduce, perform or distribute a copyright-protected work (in any form and regardless of whether or not the work has been previously published) must obtain the written permission of the copyright owner to do so, unless a SAIT licence, an open licence, or this policy and procedure permit such use or reproduction.
2. Copyright permission is not required when a member of the SAIT community:
  - a) Makes copies within the *Copyright Act's* Fair Dealing exception and the guidelines outlined in Schedule A, an Associated Document to this procedure.
  - b) Reproduces, distributes, performs or communicates external materials that are made available on the internet, provided that:
    - i) The copyright owner has posted the materials (that is, there is no reason to believe that the work displayed on the internet violates the copyright owner's rights).
    - ii) Digital Rights Management measures are not circumvented.
    - iii) The external materials do not have a clearly-visible notice prohibiting educational or research use.
  - c) Reproduces in paper or electronic form one copy of a copyright-protected work in order to display it on interactive whiteboards and digital projectors for instructional purposes, and projects it in class, provided that:
    - i) No alternative material is commercially available in a suitable format.
    - ii) The projected copy is not distributed to students in either print or digital format.
    - iii) It is shown on SAIT premises for educational or training purposes.

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- d) Reproduces, translates and/or communicates by electronic means to SAIT students at SAIT facilities copyright-protected works either in a print or digital format, for the purpose of exams or testing, provided that no alternative commercial product in an appropriate medium is available.
- e) Records and retains one copy of a radio or television program (including documentaries) for 30 days solely for review to decide whether to purchase the copy for educational or training purposes. If the copy is not purchased within that 30-day period, it shall be immediately destroyed unless SAIT's copyright officer advises otherwise in writing.
- f) Records and retains one copy of a radio or television news program or a news commentary program (excluding documentaries) and shows the copy in public before an audience consisting primarily of SAIT students, on SAIT premises, for educational or training purposes.
- g) Reproduces, distributes, performs and communicates works that are in the public domain, if the creator/copyright owner has stated that the term of copyright protection has expired or if the work is not otherwise protected by copyright.
- h) Reproduces a work (other than a cinematographic work), a sound recording, or a fixation of a performer's performance, in a format specifically designed for a person with a perceptual or print disability, in order to provide such a person with access to, a work or other subject-matter for the benefit of that person. This does not apply if the work or other subject-matter is commercially available in a format specially designed to meet the needs of the person with a perceptual disability.
- i) Reproduces, distributes, performs and communicates factual information or the text of federal and provincial statutes and regulations for educational purposes from every province and territory (except Manitoba, Quebec and Nunavut).
- j) Reproduces, distributes, performs and communicates material where SAIT has obtained written permission from the copyright owner to reproduce that material or the copyright owner has granted to SAIT a SAIT licence that allows such reproduction, provided that the terms and conditions of the permission or licence are strictly adhered to.
- k) Provides permanent hyperlinks and deep links in digital course modules that direct students to the SAIT Library's electronic resources and publicly-available materials on the internet.

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3. Permission and royalty payments are not required when a not-for-profit educational event takes place on SAIT premises, under the authority of an instructor or a person directly responsible for curriculum, and this event involves a performance or broadcast, such as:
  - a) An instructor playing a musical recording or showing a film or video in class for educational and training purposes, provided that it is played from legally-obtained copies that do not infringe copyright. Legally obtained copies include copies that are purchased or rented from a retail store; borrowed from a library; borrowed from a friend; or posted on the Internet by the copyright owner. This does not include subscription streaming services such as Netflix or iTunes.
  - b) A “live” performance given by SAIT students for educational or training purposes in front of an audience where audience members are primarily SAIT students, provided that copyright permission has been obtained for any print materials (for example, scripts or music scores) required for the performance.
  - c) Viewing or listening to a “live” television or radio program at the time it is broadcast or is transmitted by the station or the cable company.
4. Members of the SAIT community who wish to use copyright-protected materials for non-educational and/or for commercial purposes must first contact SAIT’s copyright officer to determine what permissions will be required for the use of such materials.
5. Members of the SAIT community shall credit the source and the author or creator of the copyrighted materials that they use.
6. Members of the SAIT community shall adhere to the terms and conditions of use that the copyright owner has outlined in any applicable copyright permissions, licences and/or websites.
7. Notwithstanding anything in this procedure or in respect of “fair dealing” exceptions to copyright infringement, a member of the SAIT community who wants to upload training or educational materials to an online website in SAIT’s name and who:
  - a) Is the exclusive owner of those materials, must obtain the prior emailed or written consent of SAIT’s copyright officer before uploading them; or
  - b) Is not the exclusive owner of those materials, must obtain the prior emailed or written consent of SAIT’s copyright officer and of all the owners of the materials before uploading them.

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Note that uploading materials owned by a copyright holder without the copyright holder's express consent, whether or not uploaded under Sait's name, may result in allegations of copyright infringement against the member of the Sait community. When in doubt, contact Sait's copyright officer.

8. Members of the Sait community shall not:
  - a) Remove, break, circumvent or bypass any digital rights management measures.
  - b) Download or print for distribution purposes print and/or digital content from the Sait Library's subscription collection of electronic resources, unless the vendor's licence allows such use. Please contact the Library for copyright licence information for titles in its e-collections.
  - c) Copy to the Sait intranet, network drives, cloud or website any content from courseware that accompanies a required textbook for the course without the publisher's permission. Required permissions shall be negotiated and annual fees paid to the publisher for the retention of courseware content once the accompanying textbook is no longer the required text for a course. Please contact Sait's copyright officer in respect of such payments.
  - d) Use works or materials from any website that is protected by digital rights management measures and/or that has a clearly-visible notice prohibiting educational or research use.
  - e) Authorize another person to commit any copyright infringements.
  - f) Sell or sublicense copies of copyright-protected works for any commercial purposes or use copies in association with partisan political activities, endorsements or advertising of a product, course or service.

## PROCEDURE

1. Members of the Sait community shall obtain the appropriate copyright permissions in accordance with this procedure and shall work with Sait's copyright officer to do so. Members of the Sait community must discuss any issues concerning copyright with Sait's copyright officer before reproducing and/or using external materials.
2. Members of the Sait community shall obtain written permission from a publisher to copy to the Sait intranet, network drives, cloud or website any courseware and/or any digital

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content included with the required textbook in a particular course and shall work with SAIT's copyright officer to do so.

3. Members of the SAIT community shall remove courseware and/or digital content from the SAIT intranet, network drives, cloud or website once the textbook is no longer required for a particular course or is out of print. If they wish to retain such material, they shall contact SAIT's copyright officer.
4. Members of the SAIT community shall deal with copyright owners and publishers in good faith and shall immediately inform SAIT's copyright officer of and reasonably comply with requests from copyright owners and publishers to cease using their work on the SAIT intranet, network drives or website.
5. Members of the SAIT community using copyrighted visual materials (including, but not limited to, photos, diagrams, illustrations, multimedia or videos) as the basis for creating SAIT's own multimedia instructional materials shall follow the multimedia guidelines provided by SAIT's copyright officer.
6. Copyright compliance and associated issues (for example, privacy) may arise when members of the SAIT community take photographs or videos as part of creating SAIT's own instructional materials. Please contact SAIT's copyright officer for further information.
7. Members of the SAIT community are responsible for asking for copyright information as needed and shall take advantage of whatever training SAIT may offer to ensure they comply with copyright laws and with SAIT's copyright licences, agreements and permissions.
8. Members of the SAIT community should check with SAIT's copyright officer as to the necessity of including a copyright symbol or other notice on any copied materials.
9. Members of the SAIT community shall not remove or alter any copyright symbol or other notice of copyright that appears on external materials.
10. Where a SAIT employee has been found to have violated the provisions of this procedure, the consequences for such violation may include the corrective measures as set out in procedure [HR.4.4.1 Corrective Action Procedures](#).
11. Where a SAIT student has been found to have violated the provisions of this procedure, the provisions of procedure [AC.3.4.4 Student Non-Academic Conduct](#) shall apply.

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## 12. User Content (UC):

- a) A member of the SAIT community may create and use UC derived from or that incorporates copyrighted original works without the copyright owner's consent, provided that:
  - i) The UC refers to the original work and creator.
  - ii) The UC is used exclusively for non-commercial purposes and will not adversely affect the original work's market.
  - iii) The member of the SAIT community reasonably believes the original work does not infringe other works.
- b) A member of the SAIT community who creates and exclusively owns UC (including UC containing photos or images) and who wants to submit the UC for inclusion on SAIT's websites and social media pages must agree to and be bound by an agreement with SAIT. The agreement is found at [www.sait.ca/ucterms](http://www.sait.ca/ucterms), and gives SAIT the right to publish, distribute, sublicense and use the UC on a nonexclusive worldwide royalty-free basis. Note that photos, videos and/or images of individuals under the age of 18 years cannot be submitted.
- c) If a member of the SAIT community invites an external individual (a "visitor") to submit a UC that the visitor has created and owns for inclusion on SAIT's websites and social media pages), the member of the SAIT community shall advise the visitor that the visitor must agree to and be bound by the agreement as per paragraph 12.b). Note that the photos, videos and/or images of individuals under the age of 18 years cannot be submitted.

## ASSOCIATED DOCUMENTS

Schedule A Fair Dealing Guidelines

## POLICY/PROCEDURE REFERENCE

AC.2.12 Copyright of External Materials policy

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