

Policy Name:	Carleton University Fair Dealing Policy
Originating/Responsible Department:	Office of the University Librarian
Approval Authority:	Vice-Presidents' Academic and Research Committee
Date of Original Policy:	October 2012
Last Updated:	November 2022
Mandatory Revision Date:	November 2027
Contact:	Office of the University Librarian

Purpose:

The purpose of this policy is to provide guidelines for the use of copyright fair dealing for faculty and staff of the university.

Scope:

This policy will act as a guideline for faculty and staff.

Policy:

Carleton University Fair Dealing Policy

Reproduction and Communication of Copyrighted Works by Faculty and Staff for Students

Summary:

This Fair Dealing Policy ("Policy") applies to all faculty members and staff persons of Carleton University. This Policy is in place to provide guidance on the use of copyright-protected works under fair dealing and to provide reasonable safeguards for the owners of copyright-protected works in accordance with the *Copyright Act* and Supreme Court decisions.

The fair dealing provision in the Copyright Act permits use of a copyright-protected work without permission from the copyright owner or payment of copyright royalties.

To qualify for fair dealing, two tests must be passed:

- First, the "dealing" must be for a purpose stated in the Copyright Act: *research, private study, criticism, review, news reporting, education, satire or parody*. Educational use of a copyright-protected work passes this first test.
- The second test is that the dealing must be "fair." In landmark decisions in 2004 and in 2012, the Supreme Court of Canada provided guidance as to what this test means in educational institutions.

Guidelines:

1. Carleton faculty, instructors and staff are strongly encouraged to use E-Reserves Service for all course materials. This service will review all materials for applicability of fair dealing, existing licensing, and pursue needed clearances, permissions or licenses.
2. Carleton University faculty members, instructors, and staff persons may communicate and reproduce, in electronic or paper form, short excerpts from a copyright-protected work for the purposes of research, private study, criticism, review, news reporting, education, satire or parody.
3. Copying or communicating short excerpts from a copyright-protected work under this Policy for the purpose of news reporting, criticism or review must mention the source and, if given in the source, the name of the author or creator of the work.

4. A copy of a short excerpt from a copyright-protected work may be provided or communicated to each student enrolled in a class or course:
 - a. as a class handout;
 - b. as a posting to a learning or course management system (such as Brightspace) that is password protected or otherwise restricted to students of Carleton University.
5. A short excerpt includes:
 - 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 individual 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 publication containing other poems or musical scores
 - g. an entire entry from an encyclopedia, annotated bibliography, dictionary or similar reference work provided that in each case, no more of the work is copied than is required in order to achieve the allowable purpose.
6. Copying or communicating multiple short excerpts from the same copyright-protected work, with the intention of copying or communicating substantially the entire work, is prohibited.
7. Copying or communicating that exceeds the provisions of these guidelines may be referred to the Carleton University Copyright Officer (University Librarian) or designate for an evaluation. An analysis of whether the proposed copying or communication is permitted under fair dealing will be made based on all relevant circumstances.
8. Any fee charged by Carleton University for communicating or copying a short excerpt from a copyright-protected work must be intended to cover only the costs of the institution, including overhead cost.

Please Note: This Policy does not restrict copying or communicating of copyright-protected works permitted under an arrangement or contract entered into by Carleton University with a publisher, publisher's representative or under contract arrangements, such as for Library databases ("Third Party Copying Arrangement"). In the event of a conflict between this Policy and a Third-Party Copying Arrangement, the terms of the Third-Party Copying Arrangement will apply.

Procedures:

Carleton faculty and staff should use this policy in applying fair dealing when using copyrighted materials. If any questions arise, faculty and staff are encouraged to contact copyright@carleton.ca if their use is not covered in the guidelines.

Contacts:

Office of the University Librarian or contact: copyright@carleton.ca

Links to related Policies:

[Open Access Policy](#)