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| <b>Procedure Title:</b>                                   | Copyright Procedure                             |
| <b>Procedure ID:</b>                                      | #OP 9-904                                       |
| <b>Manual Classification:</b>                             | Section 9 – Applied Research                    |
| <b>Linked to Policy:</b>                                  | 9-904 Copyright Policy                          |
| <b>Original Approval by Senior Management Team (SMT):</b> | November 2022                                   |
| <b>Effective Date:</b>                                    | November 2022                                   |
| <b>Next Review Date:</b>                                  | November 2025                                   |
| <b>Contacts for Procedure Interpretation:</b>             | Vice President, Applied Research and Innovation |

## **1.0 – Purpose**

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The purpose of this procedure (the “Procedure”) is to ensure compliance with the Copyright Act as it relates to the use, reproduction, and distribution of copyright-protected work in detail from Policy #9-904 Copyright. This procedure details the rights of students, faculty, and staff to use copyright protected work and to provide reasonable safeguards for the owners of copyright-protected works in accordance with the Copyright Act and Supreme Court of Canada decisions.

## **2.0 – Administration of Copyright**

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### **2.1 - Overview**

This procedure provides a step-by-step overview of how Fleming ensures compliance in its obligations regarding Copyright, including Copyright licensing agreements and legislation.

### **2.2 - Education**

Library Services will oversee education and information for the College Community regarding copyright and their responsibility to comply with copyright laws and regulations. At a minimum:

- a) Posters regarding copyright will be posted at each copier.
- b) Copyright policy materials will be developed for distribution . These materials will be regularly updated
- c) Copyright guideline documents will be posted on the Library Services website.

## 2.3 - Reporting and Investigation

- a) Fleming faculty, staff, students, and external partners (e.g., clients, industry partners, PAC members) must report any real, perceived, or believed violation of this policy to Library Services ([copyright@flemingcollege.ca](mailto:copyright@flemingcollege.ca)). Any complaints of copyright violation received from external parties must be passed on to Library Services for investigation. Any complaint of copyright violation in student work (e.g., copying of another student's work) will be treated via the appropriate Academic Integrity Violation Procedure ([College OP #2-201A](#)).
- b) Library Services will acknowledge receipt of the complaint within three (3) business days.
- c) Working with the appropriate manager, dean, chair, or director, Library Services will investigate the complaint. The student or staff being investigated will be notified of the complaint and that they are being investigated.
- d) Fleming employees, students and clients must comply with the directions given to them by staff investigating alleged copyright infringements.
- e) Copyrighted work related to an alleged violation will not be confiscated directly from the individual in possession of it. However, the copyright owner and/or Fleming have the right to prohibit use or, where Fleming resources are involved, restrict access of the material in question, pending the investigation and resolution process. For example, if the work in question resides on Fleming computer equipment, within facilities or on networks, it may be removed pending the results of an investigation.
- f) All documentation related to the alleged violation shall be recorded and maintained in the identified record keeping system supported by the Student Rights and Responsibilities Office (for student violations) or Human Resources (for employee violations) in accordance with the Freedom of Information and Protection of Privacy Act.
- g) The findings will be communicated to the student or staff named in the complaint upon completion of the investigation.

## 2.4 – Enforcement and Sanctions

- a) In accordance with the principles of restorative justice and education, all attempts will be made to deal with confirmed copyright violations through education and voluntary corrective action.
- b) If the person violating copyright does not agree to voluntary corrective action or repeatedly violates the copyright policy, Fleming shall exercise its right and obligation to sanction the offending student or employee, which may include:

- Verbal/written warnings
  - Rescinding of Fleming services
  - Removal of materials from computer equipment facilities and networks
  - Denial of using copyright material in the academic environment/classroom
  - Restitution for costs associated with copyright material
  - Disciplinary directives
  - Behavioural contracts
  - Suspension
  - Expulsion
  - Dismissal
- c) Documentation outlining Fleming's decisions in a specific violation may be placed on the student's record for up to two years or employee's record in accordance with provisions of the appeal and/or collective agreement processes.

## 2.5 – Appeal Process

- a) Students or employees found in violation of the copyright policy may appeal the finding.
- b) Appeals must be made in writing to the Vice President, Applied Research and Innovation ([VPARI@flamingcollege.ca](mailto:VPARI@flamingcollege.ca)). Appeals must be received within ten (10) working days of the student or employee receiving the notification of the findings of the investigation. The appeal must explain the basis for the appeal.
- c) Upon receipt of the appeal, the Vice President, Applied Research and Innovation will instruct the Manager of the Office of Applied Research and Innovation to strike an appeal committee, which will consist of:
- The Manager of the Office of Applied Research and Innovation
  - The Manger of Library and Learning Services
  - One other person in the college community as deemed appropriate by the Vice President of Applied Research & Innovation.

In addition, a representative of the appropriate Union for support staff or faculty or a representative of the appropriate student association for students may attend to support the employee/student.

- d) The appeal committee will hear the appeal and then deliberate. The decision of the appeal committee should be by consensus.
- e) The committee decision will be conveyed via letter to the employee or student within three (3) business days of the committee meeting.
- f) The employee or student can appeal the committee's decision to the Vice President, Applied Research and Innovation. The decision of the Vice President, Applied Research and Innovation is final.

### **3.0 – Coursepacks**

Faculty are responsible for the creation/curation of coursepacks.

Where coursepacks are to be sold to students, Faculty will proceed as follows:

- a) Coursepack document(s) shall be forwarded for review to the Copyright Officer in library services.
- b) Where copyright protected material is included, the Bookstore will facilitate copyright clearance and printing through a third-party.
- c) Where the coursepack does not contain copyright protected material, the faculty may choose to proceed with printing through the Bookstore. The Bookstore will facilitate printing through a third-party.

Where coursepacks are to be provided to students through LMS or printed, without a cost to the student, Faculty will proceed as follows:

- a) Coursepack will be reviewed by Library Services staff to ensure copyright compliance before material is posted to LMS or printed.

### **4.0 – Related Documents**

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- *Copyright Act (R.S.C., 1985, c. C-42)*
- *Freedom of Information and Protection of Privacy Act R.S.O. 1990 c. F. 31*
- *Association of Canadian Community Colleges Fair Dealing Policy*
- Faculty Collective Bargaining Agreement
- College Policy #1-110 Honouring the Rights of Indigenous Peoples
- College Policy #2-201A Academic Integrity
- College Operating Procedure #2-201A Academic Integrity Procedure
- College Operating Procedure #2-201A.2 Use of Text Matching Software
- College Policy #5-506 Student Rights & Responsibilities
- College Operating Procedure #5-506 Student Rights & Responsibilities
- College Policy #9-901 Applied Research Policy (in development)
- College Policy #9-903 Intellectual Property

### **5.0 – History of Amendments & Reviews**

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N/A