

		Adopted: June 28, 2011 Amended: July 8, 2014
	External References: <ul style="list-style-type: none"> • Education Act: Sections 9, 85, 87, 109, 175 • Copyright Act • Copyright Regulations • Access Copyright Elementary and Secondary School Tariff • Audio Cine Films Agreement • Canadian Teachers' Federation • Canadian School Boards Association • Council of Ministries of Education Canada • Society of Composers, Authors and Music Publishers of Canada Agreement 	Internal References: <ul style="list-style-type: none"> • Form 180-1 Parent Permission for Publishing Photographs, Work, Name and Phone Number, Internet Use and Community Trips • Form 190-1 Copyright Permission • School Librarian Handbook

Background

The Division recognizes the rights of creators and undertakes to ensure staff members are aware of these rights as required by the Copyright Act of Canada. The Division will not accept responsibility for a staff member who willfully and knowingly contravenes the Copyright Act.

Definitions

In this Administrative Procedure:

Copyright means the legal protection of a creator’s original work. Copyright law does not protect ideas, only the form in which they are expressed.

Copyright Infringement means publishing, adapting, exhibiting, translating, editing, performing in public, communicating by telecommunication, copying or converting to another medium without permission of the creator.

Works Covered by Copyright mean all original literary, dramatic, musical and artistic works.

Examples include: books, writings, encyclopedias, photographs, films, dictionaries, statistical data, newspapers, reviews, magazines, translations, tables, compilations, examination questions, speeches set down in writing, any piece that can be recited, choreographs, harmony, melody, lyrics, paintings, drawings, sculptures, works of artistic craftsmanship, engravings, architectural works of art, maps, plans, charts, records, cassettes, tapes, sound recordings, television programs and electronic resources such as computer software, online programs, CD-ROM's, laser disks and computer programs stored on any media.

Dubbed Off-Air means making a copy of any television program during broadcast.

Procedures

1. Works covered by copyright may only be reproduced for Division Office, class or school use with oral or written permission from the copyright owner or if they are covered by an agreement entered into by the Division or on behalf of the Division by the Ministry of Education.
2. Print Resources

The Ministry of Education has entered into the Access Copyright Elementary and Secondary School Tariff agreement on behalf of Saskatchewan School Divisions which allows copying under certain conditions. An individual may reproduce print resources in accordance with the guidelines found in this agreement.

3. Video Resources

The Division purchases licensing for video resources on a yearly basis through Audio Cine Films (ACF). An individual may reproduce video resources in accordance with the guidelines found in this agreement.

4. Electronic Resources

4.1 Electronic resources such as computer software, CD-ROM's, on-line programs, electronic bulletin boards, freeware, shareware, and computer programs stored on any media may only be used according to conditions specified on the site or jurisdictional license.

The Division will make every effort to purchase multiple copies of electronic resources or to purchase site or jurisdictional licenses for electronic resources.

4.2 One (1) back-up copy, adaptation or translation of a computer program is permitted by law and does not require special permission from the copyright owner.

Schools (school libraries) may only lend the original program, not the back-up copy.

4.3 Where a work has been placed on the Internet with the message that it can be freely copied, there is an actual license to copy the work. Sometimes the terms of the license are subject to conditions.

5. Music Resources

The Division purchases licensing for video resources on a yearly basis through the Society of Composers, Authors and Music Publishers of Canada (SOCAN). An individual may reproduce music resources in accordance with the guidelines found in this agreement.

5.1 A sound recording may be placed on sound equipment in school, if the public performance rights were purchased.

Sound recordings obtained from Canadian distributors always include public performance rights in the purchase price.

5.2 A musical work may be performed by students and teachers in the course of teaching without obtaining permission from the copyright owner.

5.3 Where a work has been placed on the internet with the message that it can be freely copied, there is an actual license to copy the work. Sometimes the terms of the license are subject to conditions.

6. "Public Domain" Resources

6.1 Staff members may reproduce works that are in the "Public Domain".

6.2 If a work is in the "Public Domain" it means that reproduction is allowed without requesting permission.

6.3 Fifty (50) years after the death of a creator, a work becomes part of the "Public Domain", except when rights are passed to others.

6.4 If the work is reprinted in a new edition, only the original text is in the "Public Domain".

7. Ownership of Copyright

- 7.1 The Division owns copyright in any works produced by a staff member in the course of his/her employment.
 - 7.1.1 The Director may grant others the right to reproduce work copyrighted by the Division under such terms as may be appropriate. The reproduction must include the copyright and give acknowledgment to the authors.
 - 7.1.2 The Director may enter into an agreement with others to produce, in part or in whole, a work for the Division. This agreement shall specifically address copyright of the work produced.
 - 7.1.3 The Division may market Division material at a cost that shall cover printing, mailing and royalty.
 - 7.1.4 The Division may enter into an agreement with a private publisher to publish Division material for sale and distribution.
 - 7.1.5 If the Division markets a resource profitably, it may choose to compensate the creative staff member.
- 7.2 Students own the copyright on anything that they create and parental permission to reproduce their work is to be obtained if the student is under sixteen (16) years of age. Student permission is required if the student is sixteen (16) years of age or over. Permission is not required to display student work within the school (Refer to Form 180-1 Form 180-1 Parent Permission for Publishing Photographs, Work, Name and Phone Number, Internet Use and Community Trips).
 - 7.2.1 The Principal or designate will request and file permissions from parents/guardians at the beginning of each school year to record and/or tape their child(ren) for possible performance.
 - 7.2.2 Parental approval shall be obtained to display any student work outside the school at such sites as teachers' conventions, conferences, public libraries, division office or on the school website.
 - 7.2.3 The copyright in photographs taken by students for school publications with equipment and supplies provided by the school is usually the property of the school.

8. Adherence to Copyright Law

Staff members will not be required by their supervisors to perform any service that is a violation of this Administrative Procedure.

- 8.1 Principals and supervisors shall ensure that copyright information shall be offered to all staff members, to ensure they are made aware of Copyright Law, the copyright agreements, and this Administrative Procedure.
- 8.2 The Director may appoint a committee to review copyright procedures periodically and will continue to provide updated information to all schools.