

Application of Appendix R30.04A (Fair Dealing Policy) to Learning Management Systems

1.0 Purpose

1.1 The purpose of this Appendix is to provide guidance on the application of Appendix R30.04A - Application of Fair Dealing under Policy R30.04 (the Fair Dealing Policy) to a learning management system (LMS) such as Canvas.

2.0 Scope

2.1 This Appendix to Policy R30.04 applies to all University employees and students who reproduce and use copyright protected works in all media and formats in the course of University teaching, learning, research and administrative activities.

2.2 This Appendix applies when the copies made of a copyright protected work are covered by the fair dealing exception in Canada's *Copyright Act*. The fair dealing provision permits use of a copyright protected work without permission from the copyright owner or the payment of copyright royalties.

2.3 For greater clarity and certainty, this Appendix applies only to the University entities listed in s.2.1 of Schedule R30.04A.

3.0 Guiding Principle

- (vi) An entire single poem or musical score from a copyright-protected work containing other poems or musical scores,
- (vii) An entire entry from an encycloped

7.2 However, it is possible that the proposed copying or communication of copyright protected work may be covered by the fair dealing exceptions or other exceptions in Canada's *Copyright Act* even though it exceeds the limits in Appendix R30.04A.

7.3 Contact the Copyright Officer at copy@sfu.ca for further information if you believe that your copying may be covered by fair dealing or other exceptions even though it exceeds the limits in Appendix R30.04A. Also see Appendix R30.04B - Standard for Evaluating if a Particular Instance of Copying is Fair Dealing under Policy R30.04.

7.4 Where permission is obtained in order to make a copy of an excerpt onto an LMS, the permission or a record of the permission should be retained (in paper or electronic form). See SFU Records Retention Schedule and Disposal Authority number 2005-007 (RRSDA number 2005-007) for the length of term for keeping copyright clearance permissions at SFU.

7.5 In addition, the university may include on an LMS copies of copyright-protected works for which the university has a licence with the publisher or aggregator, as long as the terms of the licence allow for this. A copyright-protected work made available to the university under a licence with a publisher or aggregator that prohibits the use of extracts on an LMS cannot be copied and included in an LMS. The terms and conditions of the licence take precedence over Appendix R30.04A (the Fair Dealing Policy) and the various exemptions in the *Copyright Act*.

8.0 Guidance to Students

8.1 SFU students are covered by the University's copyright policies and must adhere to those policies. However, it is not possible to police all students and the content they may post to websites, including on an LMS, or who attach content to emails including emails posted to an LMS.

8.2 Students should be informed of the University's