

SIMON FRASER UNIVERSITY
Policies and Procedures

Date
December 10, 2013

Number
R 30.04
APPENDIX I

Revision Date

Revision No.

Application of Appendix R30.04A (Fair Dealing Policy) to Teation of the policy Appendix R30.04A of Fair Dealing under Policy R30.04 (Fair Deag Policy) to copying and communicating of copyrightprotected works by faculty and staff members including parttime and adjunct facu the course of their teaching and research. It applies to students employed by the unive teaching assistants or instructors and to postdoctoral fellows for copying and commun copyrightprotected works done during the course of their employment.

2.0 Scope

2.1 This Appendix to Policy R30.04 applies to a

copying and performance of audiovisual works (e.g. YouTube videos) and musical works are set out respectively in the policy Appendix R30.04F - Application of Appendix R30.04A (Fair Dealing Policy) to Audiovisual Works and the policy Appendix R30.04G - Application of Appendix R30.04A (Fair Dealing Policy) to Musical Works and Sound Recordings.

5.4 As a safeguard to protect the interests of holders of copyright, the work from which the copy of the short excerpt is made must be in the lawful po

online environment, albeit with some stringent restrictions. Section 30.01 of the *Copyright Act* also allows for the exemptions in Section 29.5 of the *Copyright Act*, provisions that allow for the performance of copyrighted works at an educational institution for purposes of education and training, to be emulated in an online environment, albeit with some stringent restrictions.

8.2 For the exemption in section 30.01 of the *Copyright Act* to apply, recordings or reproductions of the lesson must be destroyed within 30 days after the day on which the students enrolled in the course of which the lesson forms part have received their final course grades. This would mean that all copies of a presentation stored on an LMS pursuant to the exemption in section 30.01 must be destroyed, and not merely rendered inaccessible to students, within the 30 day period.

8.3 The following activities are permissible under section 30.01 of the *Copyright Act*:

- (i) The exemption permits the posting of a lecture or other presentation for a course that contains a work displayed in the classroom pursuant to the exemption in section 29.4(1) to a LMS stored on a secure server or other device. It also permits communicating the presentation to students in the course of study in which the presentation was given. The communication can be through posting the presentation to a course website on an LMS stored on a secure server or other device that is only accessible by students enrolled in the course of study for which the presentation was made.
- (ii) The exemption also permits the recording of a lecture or classroom presentation in which more than a short excerpt of a work is displayed pursuant to the exemption in section 29.4(1) and permits communicating the recording to students in the course of study in which the recording was made. The communication can be through posting a recording to a course website stored on an LMS in the same circumstances described above with respect to a classroom presentation.
- (iii) Finally, the exemption would permit the recording of a lecture or classroom presentation during which an audiovisual work or e: