

TRAILBLAZER CHALLENGER VISIONARY INNOVATOR ADVENTURER REBEL PIONEER CREATOR EXPLORER DEFENDER TRAILBLAZER CHALLENGER VISIONARY INNOVATOR
REBEL PIONEER CREATOR EXPLORER DEFENDER TRAILBLAZER CHALLENGER VISIONARY INNOVATOR ADVENTURER REBEL PIONEER CREATOR EXPLORER DEFEN
TRAILBLAZER CHALLENGER VISIONARY INNOVATOR

OFFICE OF FAIR PRACTICES
AND LEGAL AFFAIRS
ANNUAL REPORT

APRIL 1, 2013 - MARCH 31, 2014



UNIVERSITY
OF MANITOBA

THE OFFICE OF FAIR PRACTICES AND LEGAL AFFAIRS

Message from the Director

The Annual Report for The Office of Fair Practice and Legal Affairs is an office wide report that describes some of the highlights of the activities of the various offices within the unit, as well as a statistical representation of the files managed by each office. The report covers a twelve month period from April 1, 2013 to March 31, 2014.

The Office of Fair Practices and Legal Affairs was created to elevate the University's commitment to human rights, statutory compliance, transparency and general fair practices. Fair Practices and Legal Affairs consists of four offices which are as follows:

- **The Office of Legal Counsel**
- **Access and Privacy Office**
- **The Office of Human Rights and Conflict Management**
- **Copyright Office**

The "Mission Statement" for the unit is: To support the University's faculty, staff and students by promoting a fair and equitable environment in which to work and learn. To encourage the University's efforts to comply with its statutory, regulatory, contractual and moral obligations. To help facilitate options for faculty and students to teach and learn in respected educational programs, to champion ground-breaking research, and to participate in inspiring service opportunities.

The "Vision Statement" is: Enabling excellence in education, research, service, and administrative endeavours through the provision of exceptional advice and service.

The Office of Fair Practices and Legal Affairs continues to make a significant and valuable contribution to the University community.

Naomi M. Andrew

Director & General Counsel

The Office of Legal Counsel

The Role of The Office of Legal Counsel

The Office of Legal Counsel supports the University's academic, research and public service missions and initiatives by providing ethical, efficient and high-quality legal services on matters related to:

- litigation and administrative hearings both internal and external to the University;
- negotiating and drafting of agreements and transactions;
- providing advice on a wide variety of issues;
- assisting with drafting and submission of policies and procedures; and
- assisting with the development of effective compliance and risk mitigation strategies to facilitate the University's complex operations.

The office has conduct of the legal affairs of 17 different Faculties and Schools, dozens of administrative units, and nearly 9,000 faculty and staff.

Staff

The real strength of any organization is reflected in the employees and The Office of Legal Counsel consists of a full complement of talented professionals who are dedicated, highly knowledgeable, experienced and service oriented.

The office currently consists of 4 full time and 1 part time legal counsel and 4 legal assistants, all of whom report to the Director of The Office of Fair Practices and Legal Affairs and General Counsel. The main office is located on the University's Fort Garry Campus, with one lawyer working at the University's Bannatyne Campus. The lawyers in the office are required to handle a broad range of legal issues however, each specialize in significant and recurring areas of University legal work.

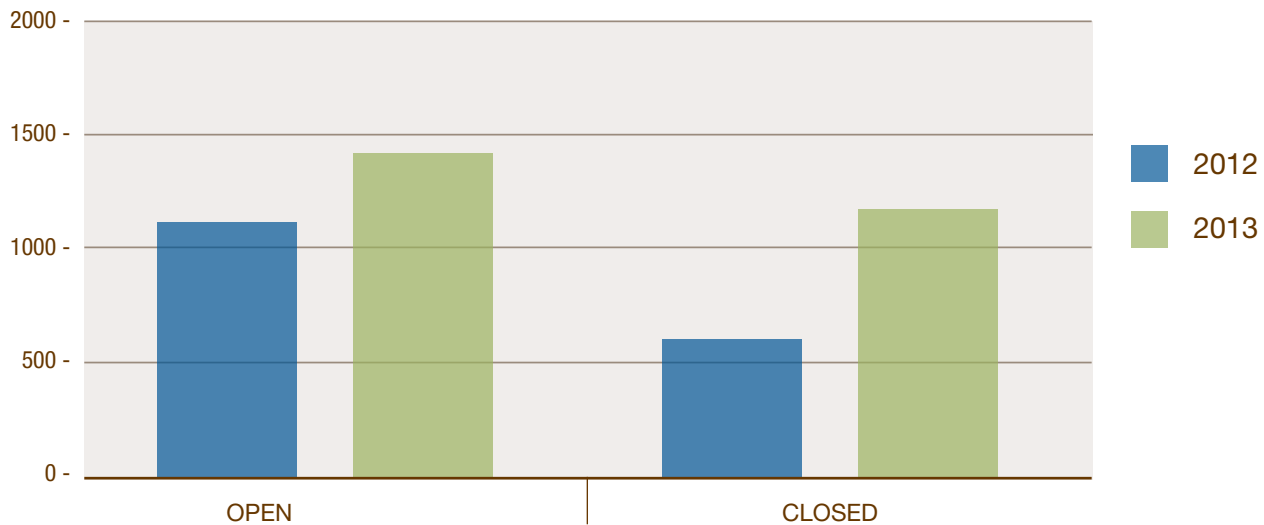
In an effort to stay up to date on current topics and recent trends in their areas of practice, the lawyers in the office participate in focused in-person professional conferences and training sessions offered by a variety of sources including the Manitoba Bar Association and the Law Society of Manitoba. Some of the training was also done in the form of webinars and teleconferences. The lawyers also maintain participation in relevant associations and ListServs including the Canadian Association of University Solicitors (CAUS) and National Association of College and University Attorneys (NACUA).

Overview of Files

Senior administrators, faculties, departments and administrative units contact The Office of Legal Counsel directly. Based on the nature of the request or assistance required a file will be opened within the office and assigned to a particular lawyer depending on the subject matter and the faculty, department or unit initiating the request.

During the reporting period The Office of Legal Counsel opened a total of 1539 files. During that same period a total of 1343 files were closed. As of March 31, 2014, the end date of the reporting period, the office had a total of 1479 active files.

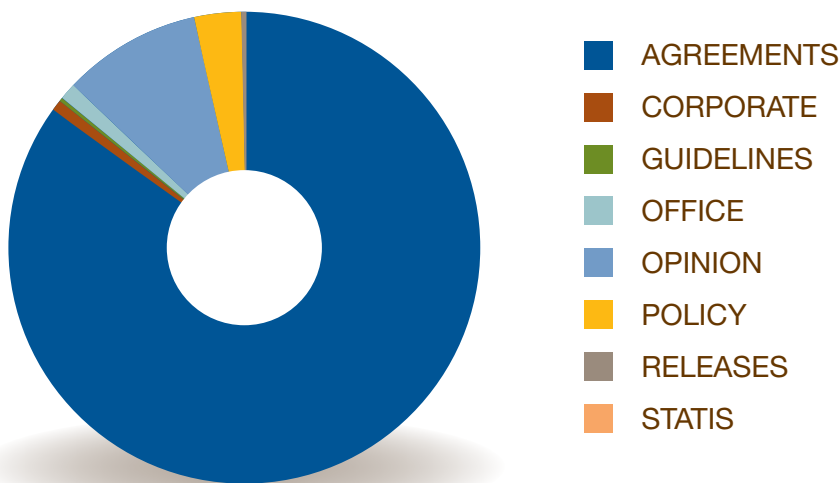
Open and Closed Files for 2014



By comparison, during the previous reporting period (April 1, 2012 to March 31, 2013) the office opened a total of 1297 files and closed a total of 793 files.

When a file is opened it is categorized into one of several different categories based on subject matter. The breakdown of the files which were opened during the reporting period is as follows:

2014 Files by Category

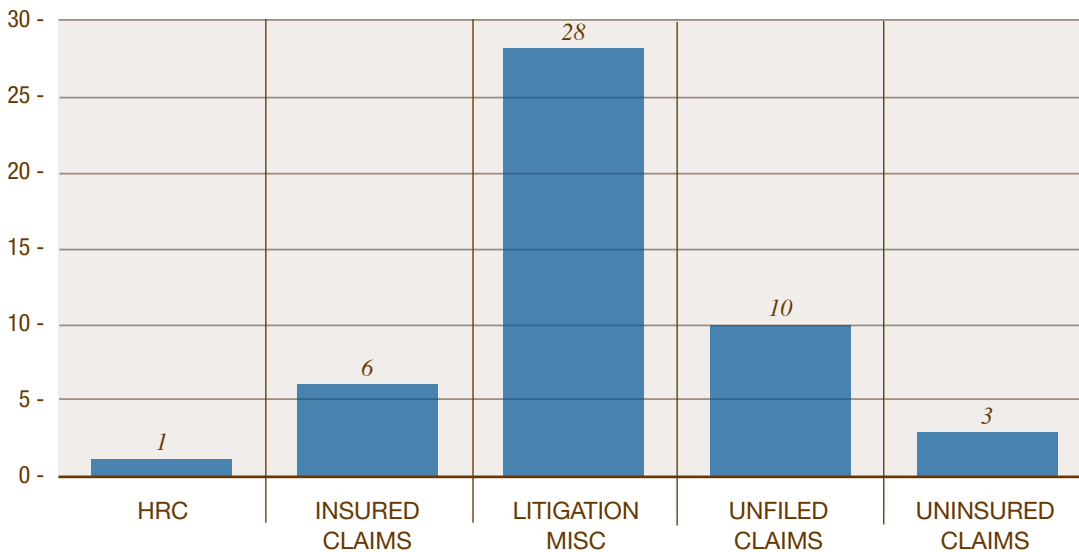


Litigation Files

Litigation files are those files where there is an adversarial component involved. While there are a wide variety of matters which would fall into this category, some examples include academic disputes, class action suits, commercial disputes, discrimination, employee accommodation, intellectual property disputes, personal injury, professional malpractice, property damage, sexual assault, student accommodation, theft by employee and, wrongful dismissal. The lawyers in the office will often work with external counsel on litigation matters.

Of the files opened during the reporting period, 48 files fell into the Litigation category. This category is further broken down into subcategories which include human rights complaints, insured claims, potential claims which are not filed to date, uninsured claims and other miscellaneous litigation matters.

2014 Litigation File Breakdown by Subcategory

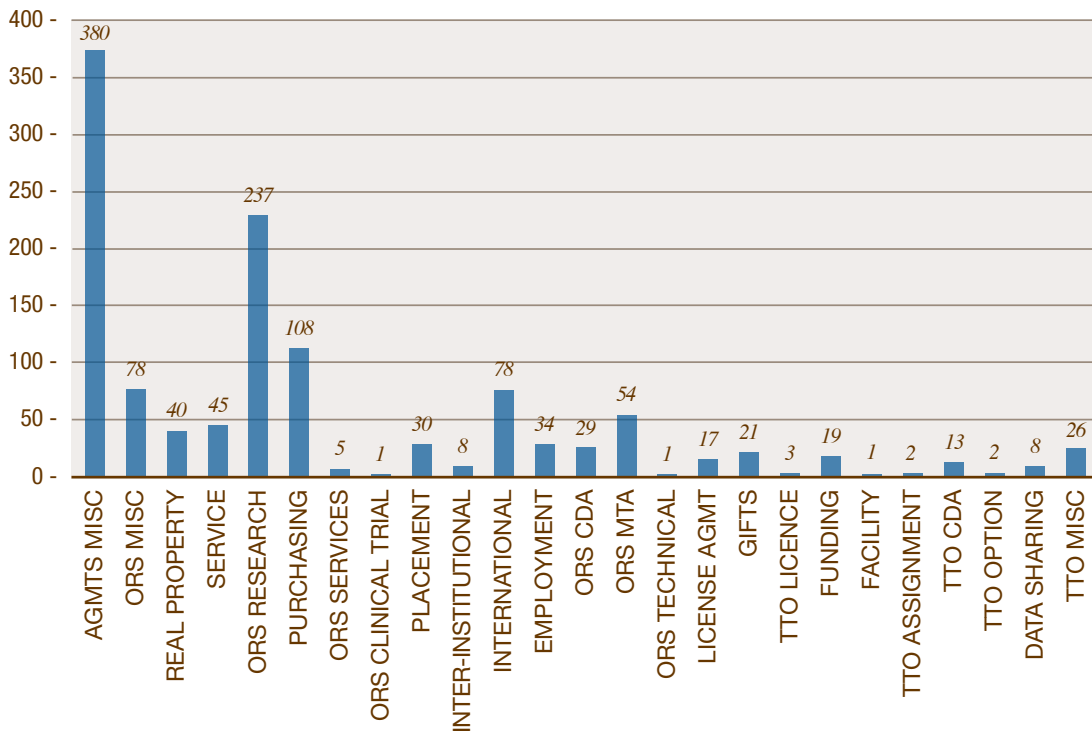


Agreements

During this reporting period the office provided vitally important transactional legal services on a variety of research agreements, technology commercialization efforts, real estate transactions, investments matters, gifts, and international agreements, as well as other important commercial activities.

The total number of files opened related to the review, negotiation and/or drafting of agreements was 1240, the largest single category of work for the office. Of these files, 405 were agreements related to research, which was the highest number of agreements from a single client unit, accounting for over 30% of the total number of agreements initiated in the reporting period. The office also helped to develop several template agreements which can be used by various departments in order to expedite the signing process for agreements.

The following chart depicts the overall breakdown of files related to transactional matters:



Highlights

The following are examples of some of the important projects which the office was involved with during the reporting period.

National Research Centre for Truth and Reconciliation (NRC): The office worked closely with the Province of Manitoba and TRC to draft new provincial legislation (the NRC Act) to ensure that there is an access and privacy regime appropriate for NRC. The NRC Act has passed first reading and is now in second reading.

Partners for Health and Development in Africa (PHDA): Now that the new non-governmental organization in Kenya has been established, the legal office has been very involved in getting it started. The office assisted in the creation of a new PHDA Operations Committee at the University and developing processes around the review and approval of agreements. The office is involved in the development of PHDA policies and has drafted the Master Agreement between the University and PHDA and Sub-consultancy Template between PHDA and partners.

Copyright Compliance Strategy: The office participates on the University's Copyright Advisory Committee and has developed a University-wide Copyright Compliance Strategy to be implemented by the University over the next two years. The purpose of the Copyright Compliance Strategy is to eliminate or mitigate the risk of copyright infringement, while educating the University community on copyright.

Campus Master Plan Development: The Legal Structure Proposal for the development of University lands pursuant to the functional use identified during the Campus Master planning process was developed by the office and approved by the Board of Governors. The office continues to support the Master Campus Plan by the review of agreements etc., for example, negotiation of the Independent Contractor Agreement with Janet Rosenberg & Studio for planning and consultancy services related to the Visionary (re) Generation project.

Magellan Aerospace Limited – Satellite Integration Facility (SIF): The office worked with the Faculty of Engineering to facilitate collaboration with Magellan Aerospace Limited to establish a Satellite Integration Facility (SIF) at Magellan Aerospace. The SIF was established with the support of Western Economic Diversification (WED) funding and has been reported in the media as creating “a unique and innovative hub that will bring together industry and academia in the research, development and the construction and testing of satellite buses and components” (<http://www.theglobeandmail.com/globe-investor/news-sources/?mid=cnw.20140520.C1953>). The University will be granted access to the facility and Magellan has agreed to fund an Industrial Research Chair in connection with the agreement.

Access and Privacy Office

Executive Summary

The Access and Privacy Office is responsible for the central administration and implementation of *The Freedom of Information and Protection of Privacy Act* (FIPPA) and *The Personal Health Information Act* (PHIA) and other privacy requirements. The primary focus of the office is to facilitate the rights of the public to access records in the custody or control of the University of Manitoba, ensure that personal information and personal health information are protected to safeguard the privacy of individuals, and to provide guidance and assistance related to the creation, storage, use and disposal of University records.

The Access and Privacy Office responds to all formal access to information requests for the University. During the reporting year, the office responded to 61 formal access requests; a decrease from the previous year of 89.

The number of investigations into privacy incidents continued to rise, with 13 internal privacy incidents investigated during this reporting year, compared with 6 from the previous reporting year. This may be due to technological developments related to information management and collaboration and the increasing reliance on systems which make information more available.

As new systems are implemented and existing systems upgraded, the office helps ensure compliance with access and privacy laws through the Privacy Impact Assessment process. The Access and Privacy Office consulted on a total of 25 information management system projects during this reporting year, of which 18 projects were required to complete the full Privacy Impact Assessment process.

Training is among the best tools to address privacy risks, and the office has continued to expand its educational outreach, with 65 training sessions offered during the reporting period, up from 41 presentations offered during the previous reporting period. A total of 2,137 individuals received access and privacy training during the reporting period. The Access and Privacy Office provides both in-person and on-line training.

The Access and Privacy Office is also responsible for the Records Management Program at the University. The office provides guidance and assistance with records management and data classification, including records retention schedules; records storage; transfer of records to the university archives; authorized records destruction; and digitization. A five-year Records Management Plan was implemented and the Common Records Schedule that was developed in the previous year was fully implemented. The Access and Privacy Office began to work with University faculties, departments and administrative offices to develop and implement custom records retention schedules. Robust records management practices help to meet the University's business, fiscal and legal requirements; support program and service delivery; inform and document decisions and support accountability; and ensure compliance with access and privacy legislation. The office saw a significant increase in the application of retention schedules in University offices resulting in a greater disposition of records and an increase in records being transferred to the University of Manitoba Libraries, Archives & Special Collections.

Access to Information Requests

The University of Manitoba received a total of 57 requests for information during the period of April 1, 2013 to March 31, 2014, and four requests were carried over from the previous fiscal year, for a total of 61 access requests. Requests for information included requests for personal information and also general records held by the University.

Types of Applicants

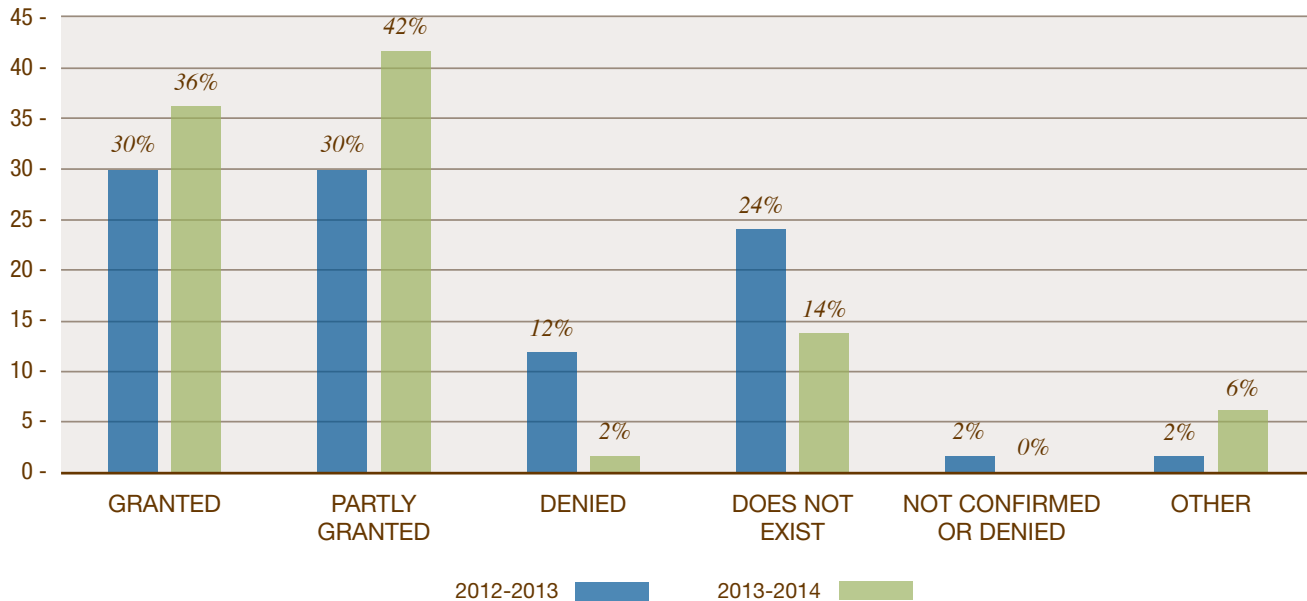
Individuals (including the public, staff and students) made 40 applications during the reporting period. Political parties submitted 13 applications and media submitted 8 requests.

Access Decisions

Of the 61 requests that were received during the reporting period, eight requests were withdrawn or abandoned, and three were carried over to the next fiscal year. Of the remaining 50 access requests that were completed in the reporting period, 36% were granted access to all the record(s) or information requested. An additional 42% were provided with partial access. The remaining 16% were denied access or the requested records did not exist.

Access Decision	Number of Requests Applied
Access Granted in Full	18
Access Partly Granted	21
Access Denied	1
Record Does Not Exist	7
Refused to Confirm or Deny Existence of a Record	0
Incomprehensible, Frivolous or Vexatious	0
Record is Publicly Available or Out of Scope	3
Total Access Decisions	50

Access Decisions



Reasons for Denial of Access

When the University withholds information in a requested record or withholds a record completely, exceptions to disclosure under FIPPA must be cited and explained to authorize the decision. The most frequently used exceptions to disclosure during the reporting period was Section 17: Disclosure harmful to a third party's privacy.

Sections of the Act Used	Exceptions	Number of Requests Applied
Mandatory Exceptions		
17	Disclosure harmful to a third party's privacy	19
18	Disclosure harmful to business interests of a third party	3
19	Cabinet confidences	0
20	Information provided in confidence by another government	2
Discretionary Exceptions		
21	Harmful to relations between MB and other governments	1
22	Local public body confidences	0
23	Advice to a Public Body	6
24	Harmful to individual and public safety	1
25	Harmful to law enforcement or legal proceedings	1
26	Harmful to security of property	2
27	Solicitor Client Privilege	4
28	Harmful to economic and other interests to public body	1
29	Testing procedures, tests and audits	0
30	Confidential evaluations	1
31	Preservation of heritage resources and life forms	0
32	Information that is or will be available to the public	0

Response Time

Under FIPPA, the University must respond to all access to information requests within 30 calendar days of receipt, unless an extension was taken which would allow up to an additional 30 days to provide a response to the applicant. A total of 100% of access requests received by the University were responded to within the legislated timelines.

Complaints about Access Decisions

Access to information applicants have the right to submit a complaint to the Manitoba Ombudsman regarding access decisions under FIPPA. The complaint must be submitted within 60 days of receiving an access response from the University. The University received two formal complaints from the Ombudsman during the reporting period, down significantly from the previous reporting period in which 8 formal complaints were received. Of these two complaints, one was carried over to the next fiscal year, and one complaint was resolved.

The University works with the Manitoba Ombudsman closely to mediate acceptable solutions to all access to information complaints.

Complaints about Privacy

Both FIPPA and PHIA require that the University implement standards and procedures in their day-to-day management of personal information and personal health information in their custody or under their control. This covers matters such as why and how personal information and personal health information is collected, how the accuracy and integrity of such information is maintained, appropriate disclosure outside the University when necessary or required, and the safe storage and destruction of such information.

There was one formal complaint submitted to the Ombudsman related to the protection of privacy during the reporting period, which was resolved. Additionally, there were 13 internal privacy incident investigations conducted by the Access and Privacy Office during the reporting period.

Privacy Impact Assessments

The Access and Privacy Office assesses compliance with privacy legislation and evaluates risk on new and existing information management systems using a tool called a Privacy Impact Assessment (PIA). A completed Privacy Impact Assessment report provides advice and recommendations to ensure the University of Manitoba's compliance with FIPPA and PHIA. The PIA process helps to ensure that the University of Manitoba collects and uses only the minimum amount of personal information for authorized and lawful functions or activities, and that the information collected is protected appropriately against breaches.

Of the 25 information management system projects that were submitted to the Access and Privacy Office, 18 required a full Privacy Impact Assessment be completed and a report with recommendations issued.

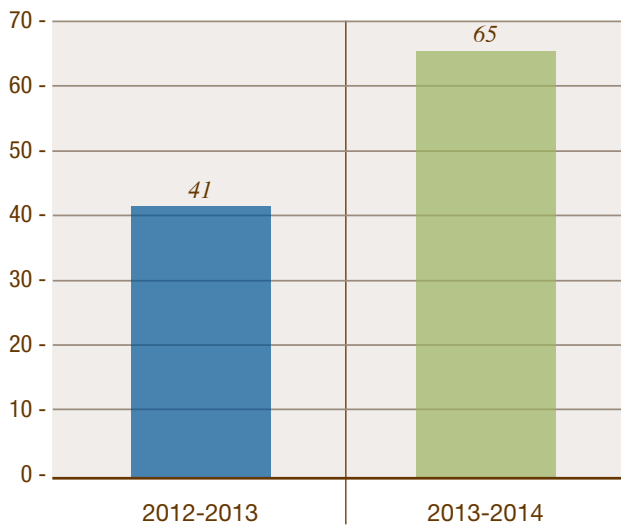
Projects Submitted	Number of Projects
Carried over from previous year	7
Received during reporting period	18
Total	25
PIA not required	5
PIA completed, report and recommendations issued	5
Carried over to the next year	15
Total	25

Personal Health Information Act (PHIA) Training

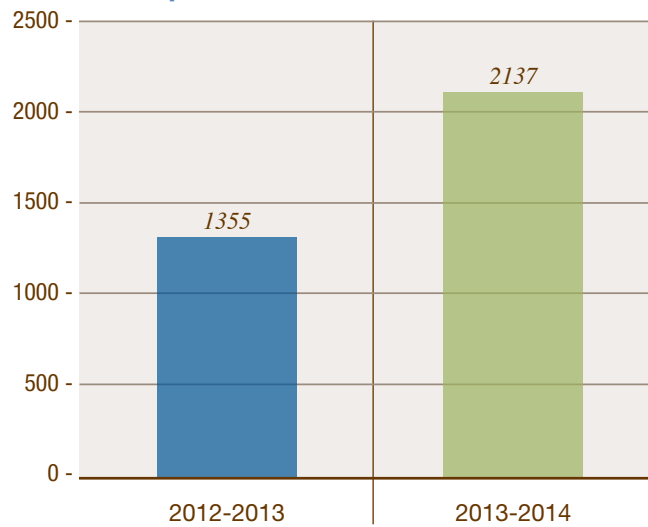
The Access and Privacy Office provides University of Manitoba (UM) Personal Health Information Act (PHIA) training, as well as Winnipeg Regional Health Authority (WRHA) PHIA training to persons associated with the University who are exposed to personal health information in the custody or under the control of either the University or the WRHA. The UM and WRHA PHIA training outlines the roles and responsibilities of individuals regarding the security and protection of privacy of personal health information. PHIA pledges of confidentiality are signed by the participants at the conclusion of the training.

During the reporting period, the Access and Privacy Office completed a total of 65 training sessions (UM and WRHA), with 2137 people signing Pledges of Confidentiality. This is a significant increase from the previous reporting period, which had 1355 people signing Pledges of Confidentiality.

Presentations



Participants



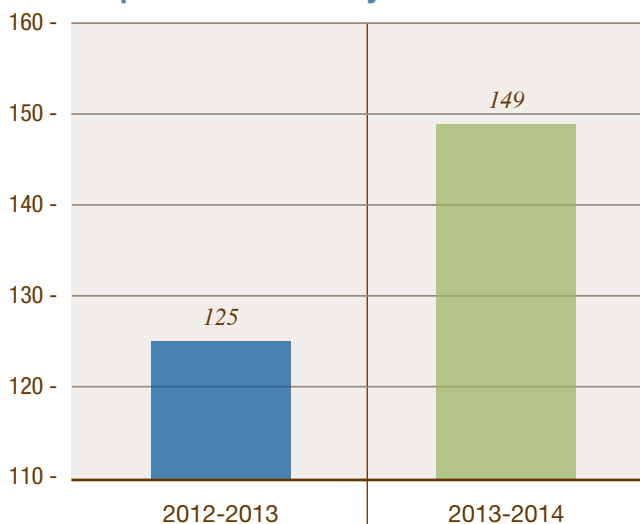
Records Management

The Access and Privacy Office is responsible for the University of Manitoba's Records Management Program, which provides guidance and assistance regarding the systematic control of records creation, storage, use and disposal.

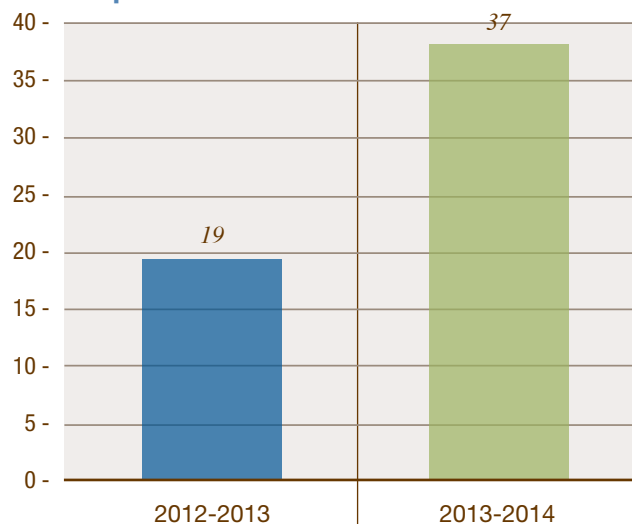
University records that do not have an archival value need to be destroyed in a controlled and confidential manner that meets requirements outlined in privacy legislation. The Requisition to Destroy Records (RDR) process ensures the authorized, confidential, controlled and documented destruction of University records once they have met their approved retention periods. During the reporting period, a total of 149 RDRs were received and approved by the Access and Privacy Office, up from 125 RDRs during the previous report period.

When University records of archival value (records with long-term legal, operational or historical use) are no longer being actively used, University of Manitoba offices, faculties, departments and schools can arrange to transfer them to the University of Manitoba Archives & Special Collections (Fort Garry Campus), or the Faculty of Health Sciences Archives department within the Neil John Maclean Health Sciences Library (Bannatyne Campus). Each transfer of records must be accompanied by a Requisition to Transfer Records (RTR) that is reviewed and approved by the Access and Privacy Office before the transfer is completed. During the reporting period, a total of 37 RTRs were approved, another significant increase from the previous reporting period in which only 19 RTRs were approved.

Requisition to Destroy Records



Requisition to Transfer Records



The Office of Human Rights and Conflict Management

Executive Summary

The University of Manitoba is committed to an inclusive and respectful work and learning environment. The Respectful Work and Learning Environment (RWLE) policy establishes the University's approach to maintaining a climate of respect within this community and to address any situations in which respect is lacking.

This year The Office of Human Rights and Conflict Management (OHRCM) has experienced steady growth in terms of the number of people contacting the office for advice and assistance, presentations completed, partnerships with various stakeholders in education and awareness as well as conflict resolution services provided to the University of Manitoba community.

Personal harassment continues to represent the majority of files the office deals with. The number of new personal harassment matters brought forward has decreased from last year, which in part is due to the addition of conflict management coaching. Requests for assistance from supervisors, department heads and deans on behalf of their department or faculty continues to grow; this may be due to greater awareness by the various units of the services offered by this office, which is further demonstrated by the fact that members of staff (either support or faculty) made up 46% of complainants, whereas students represented 24%. The majority of concerns that have been brought to the office are employment related; a trend which continues from previous years.

This year has seen an increase in the number of new concerns brought forward under sexual harassment. Complainants were divided equally amongst staff and/or faculty and students; however 71% of the respondents were students. As last year, respondents were exclusively males.

There has been a steady decline in the number of human rights files over the last two reporting years. This year represents the lowest number; staff and units or departments continue to be the largest category of respondents.

Of formal complaints closed for the year, two were dropped as an agreement was reached, two did not trigger the policy, one a breach was found, and for the first time since reporting, one was found to be frivolous and/or vexatious. The total number of formal complaints filed was six, five in personal harassment and one in human rights.

In total, since the office began in 2010, there have been 23 formal complaints closed. It is important to note that 52% of these did not trigger the policy, 22% were settled, 4% were not pursued, 9% breaches in the policy were found, 9% no breaches were found and 4% were found to be frivolous and/or vexatious.

Advisory:

Any individual that contacts the OHRM for assistance is initially recorded in Advisory. Advice and information will be given and/or referrals may be made to the individual. This year 33% of Advisory contacts became either informal or formal files, a decrease of 8% from last year; this decrease has been the pattern for the last two reporting years.

Informal Complaint:

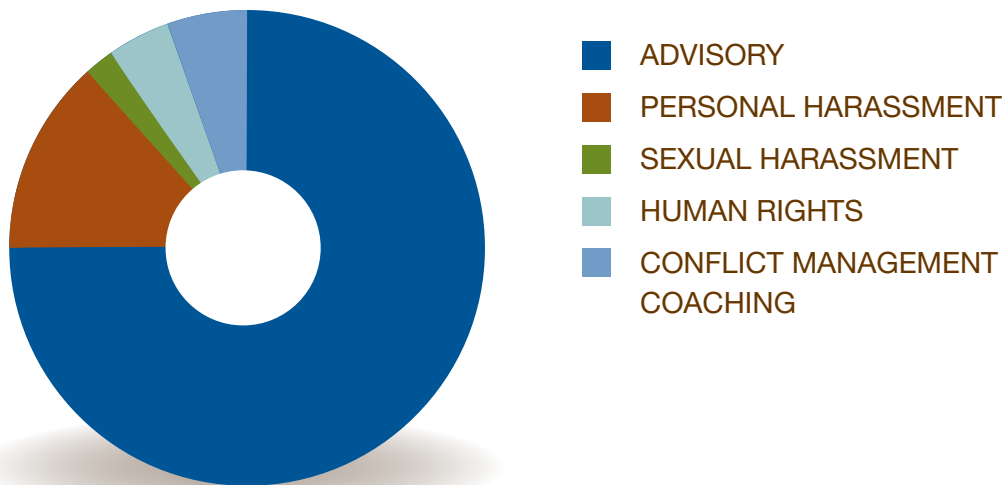
Any person who believes that they or any member of the University has been subjected to harassment or discrimination in the course of University-related employment, study, training or activities may address their concerns informally under the RWLE policy. The Human Rights and Conflict Management Officer (HRCMO) facilitates resolution of informal complaints through conflict management coaching, conciliation or mediation.

This is the first year that the office is reporting on conflict management coaching. This technique is a one-on-one process that helps individuals gain increased ability to manage their interpersonal conflicts and disputes themselves.

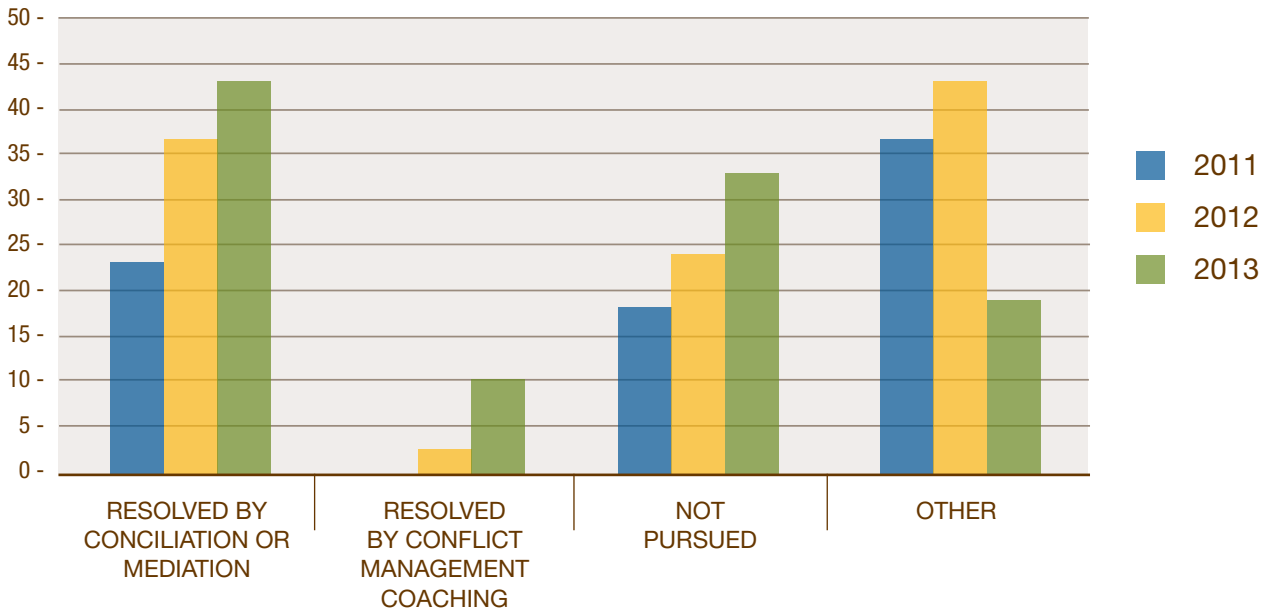
Formal Complaint:

All formal complaints must be submitted in writing within one year from the date of the most recent alleged incident. When a matter cannot be resolved informally, or if the behaviour continues, one has the option of proceeding to a formal complaint. It is important to note that a complainant is not obligated to attempt to resolve a conflict informally; they have the right to proceed directly to a formal complaint if they choose. Formal complaints are reviewed by an investigator independent of the University of Manitoba to determine applicability under the RWLE policy.

New 2013 Complaints



Method of Closure of Informal Files



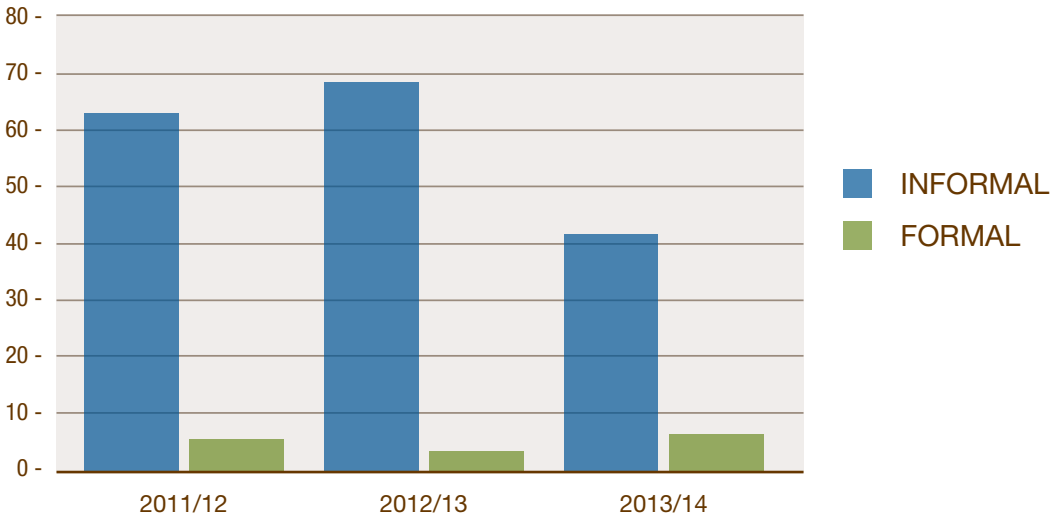
Conflict Management Coaching

Conflict management coaching was offered during the last reporting year; however it was too early to report on the numbers. There were 19 new requests for coaching with the vast majority of requests (89%) from staff or faculty members.

Personal Harassment:

Personal harassment is objectionable and unwelcome comments or actions directed towards a specific target which serve no legitimate work or academic related purpose and have the effect of creating an intimidating, humiliating, hostile or offensive environment. Examples of personal harassment include: repeated or continuous incidents of yelling, screaming or name calling, repeated or continuous threats to terminate employment or contracts for reasons unrelated to performance, repeated or continuous threats to withdraw funding, scholarships or advancement opportunities for reasons unrelated to performance.

Personal Harassment Files:



Trends:

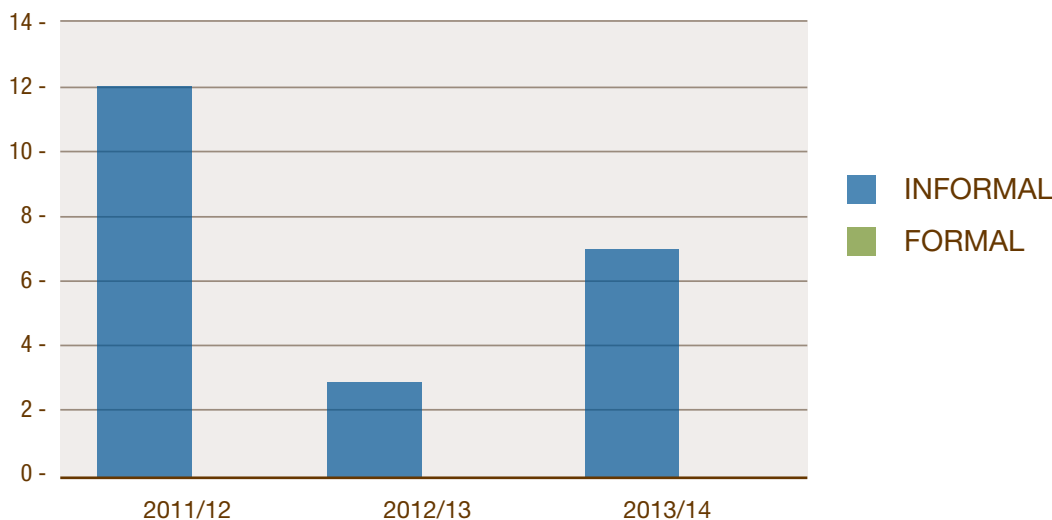
Personal harassment continues to represent the majority of files the OHRCM deals with. The number of new personal harassment matters brought forward has decreased from the last reporting year, which in part is due to the addition of conflict management coaching. As was the case last year, there are a large number of files carried over from the previous reporting year (52 informal and 3 formal). Although the figures above represent **new** concerns within the reporting period, the large number of carry over represents a much larger number of open active files. Therefore the total of active files would be 94 informal and 9 formal.

Request for assistance from supervisors, department heads and deans on behalf of their department or faculty continues to grow; last year this category represented 15% of complainants, that figure rose this year to 30%. This continued increase may be due to greater awareness among the various units of the services offered by this office, which is further demonstrated by the fact that members of staff (either support or faculty) made up 46% of complainants, whereas students represented 24%. As with last year, concerns within personal harassment often involve multiple complainants and respondents.

Sexual Harassment:

Sexual harassment is prohibited under the Manitoba Human Rights Code and the University's RWLE policy. It is defined as a course of abusive and unwelcome conduct or comment that is detrimental to the environment; a series of objectionable and unwelcome sexual solicitations or advances; a sexual advance made by a person who is in a position of power; promise of reward or threat of reprisal for rejecting a sexual solicitation or advance.

Sexual Harassment Files:



Trends:

This year has seen an increase in the number of new concerns brought forward in this category. Complainants were divided equally between staff or faculty and students; however 71% of the respondents were students. As last year the respondents were exclusively males.

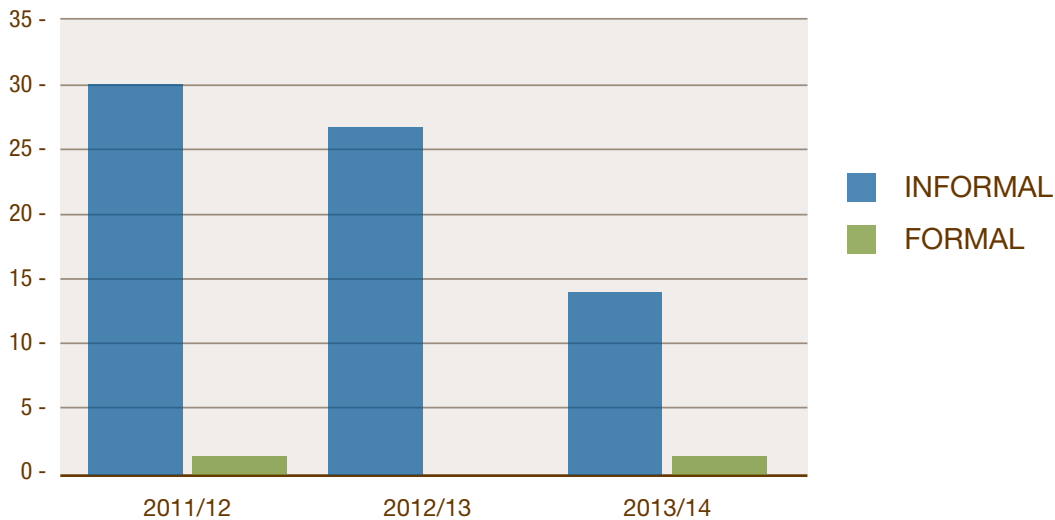
Human Rights

Human rights discrimination is differential treatment, whether intentional or not, of individuals or groups based on the categories set out in The Code and the University of Manitoba's RWLE policy.

These categories include: ancestry, nationality or national origin, ethnic background or origin, religion or creed, age, sex, including pregnancy, gender identity, sexual orientation, marital or family status, source of income, political belief, association or activity, physical or mental disability and social disadvantage.

Discrimination imposes burdens on, or denies opportunities to individuals or groups and is unfair because it is not based on actual academic or job performances, or any other form of competence. Instead, it is based on the assumption that a particular individual shares attributes, usually negative, stereotypically associated with a group to which he or she is perceived to belong.

Human Rights Files



Trends:

There has been a decline in the number of human rights complaints over the last two reporting years. Last year students made up 73% of complainants where as they accounted for 29% this year. Staff or faculty made up 42% of complainants this year, compared to 27% last year. Staff and units or departments continue to be largest category of respondents.

RWLE Presentations: 42

Presentations provide a means to educate members of the University community regarding their rights and responsibilities under the RWLE Policy. This year's presentations have either been provided by the office alone or in conjunction with the following units or departments; Learning and Organizational Development, Student Advocacy, Student Accessibility Services and the College of Medicine Professionalism and Diversity. Of note, the number of presentations from last year has increased by 12.

Other Activities

In partnership with the International Centre for Students and the Centre for Advancement of Teaching and Learning, Dr. Lionel Laroche was brought to the University for a day of events at the Fort Garry campus on "Reaping the Benefits of Cultural Diversity".

The HRCMO sat on planning committees at the College of Medicine for Dr. Hickson's "Promoting Professional Accountability: Dealing with Behaviours that Undermine a Culture of Safety" and Valerie Cade's "Bully Free at Work".

The OHRCM sponsored Ally training sessions to the university community through the Rainbow Resource Centre. Ally training focuses on providing information and sensitivity training around issues faced by people of various different sexual orientations and/or gender identities.

Service

The HRCMO was a member for Student Affairs search committee for the Executive Director of Student Support; the Dean's Outstanding Workplace in Dentistry; the Diversity Working Group and Cultural Inclusiveness Working Group in Medicine; and sat on the Mental Health Strategy Advisory Committee.

The office will continue to offer a respectful and safe environment for informal discussion or concerns, to provide advice, assistance, informal resolution and referrals and assist in making referrals to formal investigation for the University community and to promote inclusive, respectful environment for all.

Copyright Office

Executive Summary

A major development in the 2013/14 fiscal year was the creation of the Copyright Advisory Committee to work on an overall copyright compliance strategy and to develop a copyright policy. The Copyright Office continued to focus on an education campaign and to review course content in learning management systems (LMS) as part of its due diligence program.

The following table summarizes Copyright Office statistics from 2013/14:

Copyright Office Statistics	2013/14
Training sessions offered	25
Number of attendees at training sessions	465
Learning management system courses reviewed	84
Copyright queries answered	1,375
Copyright clearances processed	41

History of the Copyright Office

The Copyright Office was established in May 2011 as a result of changes in how the University deals with copyright issues. Juliette Nadeau was appointed as the first Copyright Officer and Michelle Laarissa was hired as a full-time Copyright Assistant shortly after. To help with the review of online courses, a summer employee was hired, followed by a one-year term employee. Office staff worked quickly to publicize the Office's services, to establish a website, to prepare an education campaign, to develop a process to review courses, to determine funding requirements, to develop a database, and more. A copyright email address was established to ensure efficient and speedy responses to queries. The Copyright Office reports to the Director of the Office of Fair Practices and Legal Affairs.

Major Copyright News

The University worked with the Association of Universities and Colleges of Canada (AUCC) to develop a series of application documents related to copyright, meant to guide institutions in applying fair dealing. The documents reflect a significant expansion of users' rights. These rights may be tested as Access Copyright launched a copyright-related lawsuit against York University in 2013. The lawsuit is a direct challenge to the interpretation of fair dealing adopted by the University and other AUCC members. Phase 1 of the trial hearing will end in May 2016 and will likely develop into the leading precedent on users' rights.

After researching governance models and memberships of copyright committees in Canadian institutions, the University created a Copyright Advisory Committee with an aim to ensure compliance with AUCC's Fair Dealing Guidelines and the *Copyright Act*. The Copyright Office worked collaboratively with the Committee and with University units to encourage copyright compliance and to mitigate risk.

Publicity and Training

Due to changes in the *Copyright Act* and the Fair Dealing Guidelines in late 2012, much of the Copyright Office's publicity material was updated (for example, the brochure and the Copyright Checklist for Instructors, the Copyright Quiz for graduate students, the copyright poster for public areas, notices in the learning management systems, and content for presentations). The Copyright Office's website was also updated and enhanced with videos on copyright topics for instructors and students.

Information sessions and one-on-one meetings with instructors, researchers and graduate students continued to be offered. The Copyright Office was invited to participate in the new administrator and new faculty orientations as well as the New Faculty Institute. The Copyright Officer was a member of the Faculty of Graduate Studies Professional Development Workshops Committee which hosted information sessions on many topics of interest to students, including copyright. Overall, 25 training sessions were offered by the Copyright Office in 2013/14 with 465 University community members in attendance.

Reviewing Courses for Copyrighted Content

The Copyright Office continued to randomly review courses located in learning management systems, taking the opportunity to provide copyright information to instructors in its correspondence about the individual reviews. The Centre for the Advancement of Teaching and Learning provided the Copyright Office with the tools to extract data reports from Desire2Learn, the University's primary learning management system. During 2013/14, 84 courses were reviewed by the Copyright Office.

Copyright Queries

Copyright Office staff continued to respond to queries via email, telephone and in person. During the fiscal year 2013/14, 1,375 queries were answered. Some queries dealt with students posting instructors' course notes to note-sharing websites, the newly-acquired software iThenticate, and disputes over the ownership of data. Several institutions requested permission to use and/or adapt the University's Copyright Quiz for their own patrons.

Copyright Clearances

The Copyright Office received far fewer clearance requests during the year than in the past, largely as a result of the new Fair Dealing Guidelines and new provisions in the Copyright Act. In 2013/14, a total of 41 copyright clearance requests were received. Fees for clearances totaled \$617.

Other Activities

The Computer Usage Agreement was revised to include information about copyright in a more prominent location.

The Copyright Officer co-presented an information session about copyright and learning management systems at the 2013 ABC Copyright conference. Initial plans were made by the Office to host the 2015 conference in conjunction with the University of Winnipeg and Brandon University.

Both Copyright Office staff members participated in staff development opportunities throughout the fiscal year.

The Copyright Office updated a detailed procedures manual and established record retention schedules.

Trends in Copyright

A continued decline in copyright clearance requests is expected as instructors learn to apply the Fair Dealing Guidelines and existing licences to copyrighted material needed for teaching purposes.