

11:04:02:00 Authorized Use of Copyrighted Materials

Purpose:

The Higher Education Opportunity Act (HEOA), enacted August 14, 2008, added new regulations to the Higher Education Act of 1965 to take steps to combat the unauthorized distribution of copyrighted material (UDCM) through illegal downloading or peer-to-peer distribution of intellectual property. These new requirements are required as part of the Title IV Student Assistance Participation Agreement (HEOA section 493) and became effective July 1, 2010.

Scope:

Dyersburg State Community College (DSCC) takes very seriously its responsibility in deterring the unauthorized distribution of copyrighted material. All faculty, staff and students are expected to act in good faith in observing this policy and the provisions of the HEOA.

Policy:

Copyrighted materials (including music, movies, games, software or literary works) should never be downloaded, copied, altered, stored or distributed using DSCC-owned or operated technology systems, except as permitted by law or by the contract, license agreement, or express written consent of the owner of the Protected Materials. In addition, no unlicensed copies of computer software may be maintained or used on any computer equipment owned by DSCC.

Copyright law may permit the fair use of a copyrighted work for such purposes as teaching, scholarship, research or news reporting (see DSCC policy 04:08:00 – Distance Education Copyright policy). Fair use depends on a balance of four factors: the purpose of your use, the nature of your work, the amount of the work used and the effect of your use on the potential market of the work.

Web Filters: DSCC uses web filters at all internet egress points. These web filters are configured to block known illegal download sites and peer-to-peer protocols. DSCC also has a bandwidth shaping device at the main internet egress that renders known peer-to-peer networks unusable.

Education: DSCC will make efforts to educate and inform our community about the appropriate and

inappropriate use of copyrighted material. Such efforts include:

- An e-mail sent each semester to all currently enrolled students, faculty and staff informing them about the appropriate and inappropriate usages of copyrighted material.
- A logon notification box containing information about the appropriate use of copyrighted material installed on every DSCC computer.
- The Technology Acceptable Use policy is posted on computer lab walls.
- A warning regarding UDCM is posted on all student desktop computers.
- Bookmarks containing consumer information related to UDCM are located in all LRC buildings and computer labs as well as on the DSCC web site.

Legal Alternatives: The DSCC website contains a list of legal options for obtaining electronic versions of copyrighted materials. The e-mail sent to students, faculty and staff each semester will contain a link to the web page.

Procedures for handling UDCM: An individual's privileges to use DSCC's technology resources may be suspended immediately upon receipt of a complaint from a copyright owner or discovery of a violation through investigations into service/network problems or during routine security administration. Upon discovery of a UDCM violation, the following procedures will be followed:

- The Vice President for Technology is notified.
- The infringing user is identified and the offending material is removed.
- After discussion with the offender and examination of all evidence, the VP for Technology determines whether or not to suspend the offender's privilege to use DSCC's technology resources and may authorize the disabling of an account for up to three business days.
- Suspension of privileges and disabling of accounts will be reported confidentially to the appropriate supervisor or Dean of Students as well as to the President of the college.
- The offender is asked to read and sign an agreement not to share copyrighted material on the network without proper permission.
- Further disciplinary action may be taken for repeat offenses.

Policy Review: The VP for Technology and the Dean of the Learning Resource Center will review this policy at least bi-annually and recommend changes as needed to the President by way of Administrative Council.

Compliance:

Any person with knowledge of a faculty, staff or student distributing copyrighted material illegally is to inform the Vice President for Technology immediately.

Any student, faculty or staff member not acting in good faith regarding this copyright policy may be subject to disciplinary action by the college and may be prosecuted under State and Federal guidelines. Copyright owners can take legal action against alleged infringers and subpoena the college for information about people engaged in the unauthorized distribution of copyrighted material. Additionally, **failure to adhere to HEOA** regulations could cause DSCC to **lose all student federal aid**.

Definitions:

HEOA Higher Education Opportunity Act: enacted August 14, 2008, this act added new regulations to the Higher Education Act of 1965 to take steps to combat the unauthorized distribution of copyrighted material.

UDCM Unauthorized distribution of copyrighted material

Revision History:

Policy revised November, 2004.

Policy updated 6/13/11 by HEOA committee; approved by Administrative Council on 6/21/11.

Dyersburg State Community College

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