

# CARROLL UNIVERSITY



## Information Technology Services Policy Copyright Infringement

Revision 2.0

October 2017

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## *Revision History*

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Date	Revision	Revision Information
<b>5 January 2010</b>	1.0	Initial Draft
<b>30 October 2017</b>	2.0	Updated formatting, updated obsolete references, updated named staff positions to current titles

## *Purpose of Policy*

This document defines the policy of Carroll University in regards to the illegal collection or dissemination of copyright protected material using any University network resource. The information technology resources owned and operated by Carroll University include, but are not limited to, computers, servers, scanners, printers, software, electronic mail, voice mail, data, computer labs, and data and telephony networks, including wireless networks.

In addition, the Higher Education Opportunity Act of 2008 stipulates that it is the responsibility of Carroll University to notify students annually that the illegal distribution of copyrighted material makes student vulnerable to criminal and civil penalties.

## *Policy Audience*

This document shall apply to all members of Carroll University who are connecting to the campus network. This includes, but is not limited to, students, faculty, staff, contractors, vendors, guests, and visitors.

## *Introduction*

The following rules of acceptable use are intended to provide guidance for the Carroll University community. It is the individual's responsibility to become familiar with this policy and abide by its terms. Failure to comply with this policy or relevant federal, state or local laws may result in suspension and/or revocation of one's privilege to access and use the University's information technology resources. The University reserves the right to refuse to defend any employee, faculty member or student named in a suit or action claiming copyright infringement, or to pay any damages resulting from a judgment in such a suit or action. The University also reserves the right to revise, amend or modify this policy at any time. The most up to date version of this policy can always be found on the ITS website under Policies and Forms.

## *Policy*

Almost all forms of original expression that are fixed in a tangible medium are subject to copyright protection, even if no formal copyright notice is attached. You should assume materials that you find on the Internet are copyrighted unless a disclaimer or waiver is expressly stated. The copyright holder has extensive rights; permission must be obtained from the copyright holder to copy, use or display the material.

Although this is not an exhaustive list, the following are likely to be copyright violations:

- Placing materials owned by others on a web page, or for other use or display, without the express permission of the copyright owner.
- Displaying pictures or graphics created by others.
- Offering sound, video, or other forms of digital records produced by others.
- Linking to pages within a site without first accessing the website home page or to pages with infringing materials.

## *Misuse of Technology Resources*

As a community for learning, Carroll University supports the development of an open environment that fosters professional and scholarly growth. However, the University will not sanction conduct that constitutes a misuse of technology resources including violations of the University's mission, its policies and procedures, and state, federal or local laws. If the University determines that technology resources have been misused, it retains the right to:

- Suspend access to all technology resources including use of University-owned computers, access to the data network, and access to all University applications including e-mail.
- Take appropriate actions and initiate processes in accordance with the Student Handbook, Faculty Manual, Personnel Policies, and any other University policy.
- Report the misuse to law enforcement officials if there is reason to believe federal or state laws have been violated.

Members of the Carroll community are expected to report any misuse to the Director of Information Technology. Prior to taking any action to suspend access or monitor activity, the Director of Information Technology will obtain permission from the individual's area Vice President or the Dean of Students.

The University retains the right to access, monitor, and disclose the contents and activity of any member's account(s) and to access any university-owned technology resources and any privately owned technology resources connected to the University network. This action may be taken if the Director of Information Technology and the area Vice President appropriate to the circumstances determine that there is sufficient evidence to expect that the content or activity:

- Contains child pornography or other illegality, such as the unauthorized use or dissemination of copyrighted material, software used in violation of licensing agreements, harassment of any kind, theft, unauthorized access and/or other violations of Carroll policy or law.
- That is unrelated to or inconsistent with the mission of Carroll University.
- Endangers the University's computing resources or the information of other users, such as a computer virus, malware or other destructive program.

## *Infringement Action*

### **First Infringement**

1. Student(s), when logging in, will be redirected to a webpage explaining that the university has received information indicating that they have been identified as allegedly engaged in a violation of copyright laws.
2. The student(s) will have three business days to comply with the instructions on the webpage and to follow-up with the Information Technology (ITS) Help Desk.
3. Serious first-time infringements may be referred to the Office of Student Conduct for adjudication.
4. Failure to comply with and/or to meet the expectations outlined in the above mentioned webpage, will result in the alleged infringement being referred the Office of Student Conduct for adjudication.

5. If the student(s) are found to have violated the copyright infringement policy, the student(s) access to the university network will be shut off for seven calendar days and may receive additional sanctions.
6. A record of the infringement will be kept in the student(s)' conduct file.

### **Second Infringement**

1. Student(s), when logging in, will be redirected to a webpage explaining that the university has received information indicating that they have been identified as allegedly engaging in a violation of copyright laws.
2. The student(s) will have three business days to comply with the instructions on this webpage and to follow-up with the Information Technology Services (ITS) Help Desk.
3. The alleged infringement will be referred to the Office of Student Conduct for adjudication.
4. If the student(s) are found to have violated the copyright infringement policy, the student(s) access to the university network will be shut off for 30 calendar days and may receive additional sanctions.
5. A record of the infringement will be kept in the student(s)' conduct file.

### **Third Infringement**

1. Student(s), when logging in, will be redirected to a webpage explaining that the university has received information indicating that they have been identified as allegedly engaging in a violation of copyright laws.
2. The student(s) will have three business days to comply with the instructions on this webpage and to follow-up with the Information Technology Services (ITS) Help Desk.
3. The alleged infringement will be referred to the Office of Student Conduct for adjudication.
4. If the student(s) are found to have violated the copyright infringement policy the student(s) access to the university network will be shut off for the remainder of the semester or 30 calendar days, whichever is longer, and the student may receive additional sanctions.
5. A record of the infringement will be kept in the student(s)' conduct file

### ***Legal Digital Sources***

The following RIAA recommended Internet sites provide all members of the Carroll community legal access to digital content. In addition, the RIAA website [www.whymusicmatters.com](http://www.whymusicmatters.com) provides an updated, current list of licensed online media resources.

iTunes	7digital	Spotify	Google Play	Microsoft Music
Apple Music	iHeartRadio	Napster	Amazon MP3	iOldies