

Prairie State College: Copyright and Fair Use

PURPOSE:

Prairie State College is committed to protecting the rights of copyright holders and appropriate use of PSC information resources, as noted in Board Policies C-21 and F-25. The college also adheres to Federal Copyright Laws. This Policy documents acceptable, unacceptable, prevention and compliance of violating our Policies and Guidelines.

COPYRIGHT AND FAIR USE:

Federal copyright law applies to all forms of information, including electronic communications, and violations are prohibited under this policy. Infringements of copyright laws include, but are not limited to;

- Making unauthorized copies of any copyrighted material including software, computer code, text, images, audio, and video.
- The installation or distribution of “pirated” software products that are not appropriately licensed for use by Prairie State College.
- Exporting software, technical information, encryption software or technology, in violation of international or regional export control laws, is illegal.
- Exporting Educational, Marketing or proprietary material owned or created by Prairie State College is strictly prohibited.
- Displaying or distributing copyrighted materials over computer networks without the author's permission except as provided in limited form by copyright fair use restrictions.

The "fair use" provision of the copyright law allows for limited reproduction and distribution of published works without permission for such purposes as criticism, news reporting, teaching (including multiple copies for classroom use), scholarship, or research.

Downloading programs and files may violate United States copyright laws that protect information and software. Although the Internet provides easy access to software distributed by companies on a trial basis, this does not mean that the software is free or that it may be distributed freely. All files downloaded from a source external to the campus must be scanned for viruses.

PREVENTION:

The Information Technology Resource (ITR) Department takes steps to ensure this type of use is mitigated as stated in the Higher Education Opportunity Act (HEOA) - Prairie State College Plan. While the College does not monitor content, the Recording Industry Association of America (RIAA) and other organizations actively do so via the Internet, and, on occasion, issue complaints to internet service providers, including Prairie State College, whose subscribers are alleged to be engaging in these activities. Generally, at the time of the complaint, the RIAA or other complainant is only aware of the network address of the computer from which copyrighted material was alleged to have been shared and not the identity of the individual community member.

COMPLIANCE:

Prairie State community members who chose to violate copyright protections and college policy are personally responsible for their actions.

If the College is contacted with a “Notice of Claimed Infringement” or other violation notice, then the notice will be forwarded to either:

- The Dean of Student Development/Campus Life in cases involving a student to follow the Student Discipline process per Board Policy F-16. This process may result in a variety of actions, including warning, suspension or expulsion. For more information about this process, see the Student Code of Conduct booklet.
- Human Resources in cases involving an employee to be handled in accordance with the **Board Policies on disciplinary actions for employees (Policies G-19, G-20, or G-21)**.
- Campus Police for criminal notifications rather than civil ones.

The College will also refer any criminal conduct to the appropriate law enforcement authorities. Here is a brief summary of the Federal penalty for one form of copyright violations:

“Uploading or downloading works protected by copyright without the authority of the copyright owner is an infringement of the copyright owner's exclusive rights of reproduction and/or distribution. Anyone found to have infringed a copyrighted work may be liable for statutory damages up to \$30,000 for each work infringed and, if willful infringement is proven by the copyright owner, that amount may be increased up to \$150,000 for each work infringed. In addition, an infringer of a work may also be liable for the attorney's fees incurred by the copyright owner to enforce his or her rights.”

<http://copyright.gov/help/faq/faq-fairuse.html#p2p>

LEGAL ALTERNATIVES:

The College encourages students and employees to be sure to use legal sources when downloading digital materials, such as:

<http://www.educause.edu/focus-areas-and-initiatives/policy-and-security/educause-policy/issues-and-positions/intellectual-property/legal-sources-onli>

RESOURCES:

The College encourages students and employees to make sure they understand and are following U.S. Copyright Law.

1. Prairie State College Acceptable Use Policy for Internet and Other Electronic Resources (C21)
 - a. Our website
2. U.S. Department of Education Higher Education Opportunity Act -2008
 - a. <http://www2.ed.gov/policy/highered/leg/hea08/index.html>
3. HEOA - Prairie State College Plan
 - a. Our website
4. Digital Millennium Copyright Act
 - a. <http://www.copyright.gov/legislation/dmca.pdf>
5. Electronic Communications Privacy Act of 1986 (18 USC 2510 et seq.)
 - a. <https://it.ojp.gov/privacyliberty/authorities/statutes/1285>
6. Fair Use Doctrine of the United States Copyright Law (Title 17, USC)
 - a. <http://www.copyright.gov/title17/92chap1.html>
7. The FAQ section of the U.S. Copyright Office has a helpful summary of common questions
 - a. <http://www.copyright.gov/help/faq/>