

Policy	Revision Date	Approved by
Copyright Infringement Policy	6/30/10	Dr Carl Cleveland, III, President
Updated branding & notification via Safe Colleges	9/21/16	Executive Council

SUBJECT:	Copyright Infringement Policy
EFFECTIVE DATE:	July 1, 2010
PURPOSE:	Specify Cleveland University-Kansas City's (CU-KC) policy on copyright infringement and to comply with Federal Higher Education Opportunity Act of 2008 (HEOA) (Pub. L. 110-315).
EXECUTIVE RESPONSIBILITY:	Chief Operating Officer
OPERATIONAL RESPONSIBILITY:	Director of Assessment and Institutional Reporting Director of Academic Records Human Resources
REFERENCE:	CU-KC Student, Faculty and Staff Handbooks. The University will publish on its website this policy and a link to an external publically available resource for legal alternatives for downloading materials. The current resource is: http://www.educause.edu/Resources/Browse/HEOA/34600#annual
REVIEW:	This policy and its effectiveness will be reviewed annually in August by the President's Executive Council.
NOTIFICATION:	To all students and employees through SafeColleges training system annually.

Copyright Infringement Policy

The University strictly prohibits any and all of the following: copyright, trademark, patent, trade secret or other intellectual property infringement, including but not limited to using any copyrighted names, text or images, offering pirated computer programs or links to such programs, serial or registration numbers for software programs, copyrighted music, etc., as policy on the use of copyrighted material on the Institution's computer systems and networks.

The University respects the copyrights of those involved in creating and distributing copyrighted material, including music, movies, software, and other literary and artistic works. It is the policy of the University to comply with copyright law.

If users utilize copyrighted materials for educational, instructional, research, scholarship and like arenas, the University will follow the legal doctrine of fair use currently a part of the copyright law.

The University's users will not make unauthorized copies of copyrighted material on or using

University computer systems, networks or storage media. The University's users will not store unauthorized copies of copyrighted works using the University's systems, networks and/or storage media.

The University's users should not download, upload, transmit, make available or otherwise distribute copyrighted material without authorization using University computer systems, networks, Internet access or storage media. This is inclusive of utilizing unlicensed/unauthorized peer-to-peer file services that would promote copyright infringement.

The University reserves the right to monitor its computer systems, networks and storage media for compliance with this policy, at any time, without notice, and with or without cause. Additionally, the University reserves the right to delete from its computer systems and storage media, or restrict access to, any seemingly unauthorized copies of copyrighted materials it may find, at any time and without notice.

Users who violate this policy are subject to disciplinary action as appropriate under the circumstances. Such disciplinary action may include termination, expulsion and other legal actions.

Unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may subject the students to civil and criminal liabilities.

Summary of Civil and Criminal Penalties for Violation of Federal Copyright Laws

Copyright infringement is the act of exercising, without permission or legal authority, one or more of the exclusive rights granted to the copyright owner under section 106 of the Copyright Act (Title 17 of the United States Code). These rights include the right to reproduce or distribute a copyrighted work. In the file-sharing context, downloading or uploading substantial parts of a copyrighted work without authority constitutes an infringement.

Penalties for copyright infringement include civil and criminal penalties. In general, anyone found liable for civil copyright infringement may be ordered to pay either actual damages or "statutory" damages affixed at not less than \$750 and not more than \$30,000 per work infringed. For "willful" infringement, a court may award up to \$150,000 per work infringed. A court can, in its discretion, also assess costs and attorneys' fees. For details, see Title 17, United States Code, Sections 504, 505.

Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five years and fines of up to \$250,000 per offense.

For more information, please see the Web site of the U.S. Copyright Office at www.copyright.gov, especially their FAQ's at www.copyright.gov/help/faq.

PROCEDURES - Notice of Claimed Copyright Infringement

If there is belief that any faculty, staff, or student of the University has infringed rights of a copyright owner, please contact the designated agent via written notification. A written notice of the claimed copyright infringement, in accordance with the specifications of the Digital Millennium Copyright Act, must include the following information:

1. Contact Information: Complete name, mailing address, email address, phone and fax numbers
2. Identification of the copyrighted work claimed to have been infringed and/or representative listing of copyrighted works claimed to have been infringed
3. Statement that the information in the notice is accurate with electronic or physical signature of the copyright owner or authorized person acting on the behalf of the owner of work claimed to be infringed
4. Additional information supporting claim

Designated Agent to Receive Notification of Claimed Copyright Infringement & Guidelines for Use of Copyrighted Materials on the Internet is the Cleveland University-Kansas City Chief Operating Officer.