

**NEW COLLEGE OF FLORIDA
REGULATIONS MANUAL**

CHAPTER 4 - Academic Affairs

4-5005 Copyright Infringement

The purpose of this regulation is to comply with copyright law for the use of copyrighted material on New College's computer systems and networks. In addition, this policy seeks to make aware to all users the seriousness as well as possible consequences for unauthorized use of copyrighted material.

- (1) Definition. Copyright is legal protection of intellectual property, in whatever medium, that is provided for by the laws of the United States to the owners of copyright. Types of works that are covered by copyright law include, but are not limited to, literary, dramatic, musical, artistic, pictorial, graphic, film and multi-media works. Many people understand that printed works such as books and magazine articles are covered by copyright laws but they are not aware that the protection extends to software, digital works, and unpublished works and it covers all forms of a work, including its digital transmission and subsequent use.
- (2) Laws concerning digital copyright. The Digital Millennium Copyright Act (DMCA) recognizes that digital transmission of works adds complexity to the Copyright Law. The DMCA provides non-profit educational institutions with some protections if individual members of the community violate the law. However, for New College of Florida to maintain this protection, we must expeditiously take down or otherwise block access to infringing material whenever it is brought to our attention and whether or not the individual who is infringing has received notice.

DMCA infractions can result in serious consequences regarding activities of faculty, students, or staff who are performing teaching or research functions if the College has received more than two notices of infringement against an individual within a three-year period. Colleges and individuals can be subject to the imposition of substantial damages for copyright infringement incidents relating to the use of College network services. In a civil action, the individual infringer may be liable for either actual damages or statutory damages of up to \$30,000 (which may be increased to up to \$150,000 if the court finds the infringement was willful). In addition, individual infringers may be subject to criminal prosecution. Criminal penalties include up to ten years imprisonment depending on the nature of the violation.

- (3) The Higher Education Opportunity Act (HEOA) requires all U.S. Colleges and Universities deal with unauthorized file sharing on campus networks, imposing three general requirements:
 - (a) An annual disclosure to students describing copyright law and campus policies related to violating copyright law;
 - (b) A plan to "effectively combat the unauthorized distribution of copyrighted materials" by users of its network, including "the use of one or more technology-based deterrents"; and
 - (c) A plan to "offer alternatives to illegal downloading."
- (4) Importance. Copyright infringement is an issue of particular seriousness because technology makes it easy to copy and transmit protected works over the New College network. While New College of Florida encourages the free flow of ideas and provides resources such as the network to support this activity, we do so in a manner consistent with all applicable state and federal laws. New College does not condone the illegal or inappropriate use of material that is subject to copyright protection and covered by state and federal laws.

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- (5) New College 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.
- (6) New College 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 New College to comply with copyright law. If members of the New College community (faculty, students or staff) utilize copyrighted materials for educational, instructional, research, scholarship and like arenas, the College will follow the legal doctrine of fair use, currently a part of the copyright law.
- (7) Members of the New College community will not make unauthorized copies of copyrighted material on or using New College computer systems, networks or storage media. Users will not store unauthorized copies of copyrighted works using the College's systems, networks and/or storage media. Users should not download, upload, transmit, make available or otherwise distribute copyrighted material without authorization using the College's computer systems, networks, Internet access or storage media. This is inclusive of utilizing peer-to-peer file services that would promote copyright infringement.
- (8) While New College does not generally monitor or limit content of information transmitted on the campus network, it reserves the right to monitor its computer systems, networks and storage media for compliance with this policy, at any time, without notice. Additionally, the College 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.
- (9) Violations. Users who violate this policy are subject to disciplinary action in accordance with the Student Code of Conduct and the New College Employee Handbook. Such disciplinary action may include termination, expulsion and other legal actions. Some examples of copyright infringement that may be found in a college setting:
 - (a) Downloading and sharing MP3 files of music, videos, and games without permission of the copyright owner;
 - (b) Using corporate logos without permission;
 - (c) Placing an electronic copy of a standardized test on a department's web site without permission of the copyright owner;
 - (d) Enhancing a departmental web site with music that is downloaded or artwork that is scanned from a book, all without attribution or permission of the copyright owners;
 - (e) Scanning a photograph that has been published and using it without permission or attribution;
 - (f) Placing a number of full-text articles on a course web page that is not password protected and allowing the web page to be accessible to anyone who can access the Internet;

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- (g) Downloading licensed software from non-authorized sites without the permission of the copyright or license holder; and
 - (h) Making a movie file or a large segment of a movie available on a web site without permission of the copyright owner.
- (10) Identification of copyright infringement. Copyright holders represented by organizations such as the Recording Industry Association of America (RIAA), the Business Software Association (BSA), and the Motion Picture Association of America (MPAA), are applying serious efforts to stop the infringing downloads of copyrighted music, movies, and software. The companies or their agents locate possible copyright infringements by using automated systems that trace the IP address, port, and protocol being used to infringe.
- (11) Reporting copyright infringement. Report alleged copyright infringements on New College of Florida systems to Helpdesk@ncf.edu.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Board of Governors Regulations 1.001 and 3.0075

History: Adopted 03-05-11; Revised 02-26-17 (technical amendment)