



**POLICY TITLE**

Digital Millennium Copyright Act Policy

**POLICY NUMBER**

8-005

<b>Responsible Unit:</b> <i>Division of Information Technology</i>	<b>Effective Date:</b> <i>8/19/2022</i>
<b>Responsible Official:</b> <i>Associate Vice-President/Chief Information Officer</i>	<b>Last Reviewed Date:</b> <i>N/A</i>
<b>Policy Classification:</b> <i>Information Technology</i>	<b>Origination Date:</b> <i>8/19/2022</i>

**I. POLICY STATEMENT AND RATIONALE**

This policy is pursuant to the Digital Millennium Copyright Act (DMCA). Under the DMCA, Southern University System (SUS) is considered internet service provider. This policy established the principles and responsibilities associated with the use of SUS’s Information Technology Resources network systems in SUS’s response to Copyright Infringement Takedown Notices, under the DMCA, and details the consequences for violating this policy.

Individuals who use SUS’s Information Technology Resources must comply with the provisions of the DMCA, which states that it is illegal to download, upload, or distribute in any fashion, a Copyrighted Work in any form. Lawful methods of using Copyrighted materials include permission from the Copyright Owner, purchase of a license or of a media, or qualification for an exception under Copyright law (e.g., fair use). The following link provides a list of legal content: <https://www.educause.edu/focus-areas-and-initiatives/policy-and-security/educause-policy/legal-sources-online>.

**II. POLICY SCOPE AND AUDIENCE**

This policy applies to all students, faculty, and staff of SUS and its postsecondary institutions as well as anyone who directly, or through any agent acting on their behalf, uses SUS’s Information Technology Resources, regardless of affiliation with SUS or its postsecondary institutions.

**III. POLICY COMPLIANCE**

Failure to comply with this policy may result in a DMCA complaint sent to SUS. If the complaint is traced to an individual's SUS account (i.e., sus.edu, subr.edu, suno.edu, susla.edu, sulc.edu, or suagcenter.com), the following penalties to the owner of the account shall occur:

1<sup>st</sup> Offense

- Limitations on the network for student's devices
- Mandatory completion of a file sharing course

2<sup>nd</sup> Offense

- Further limitation of the network for student's devices
- Fine of \$50
- Recordation of the incident in student's record.
- A hold placed on transcript requests, course registration, etc.
- A violation of the Code of Student Conduct and referred to the Dean of Students Office

Additionally, failure to comply with this policy is subject to disciplinary action, up to and including suspension without pay, or termination of employment or association with SUS or its postsecondary institutions in accordance with applicable (e.g., staff, faculty, student) disciplinary procedures. For those who are not active faculty, staff, or students, violating this policy may result in disciplinary action, up to and including suspension or revocation of the user's relationship with SUS or its postsecondary institutions or SUS-provided services. Repeat infringers may have their SUS Information Technology Network access revoked or blocked.

#### IV. POLICY DEFINITIONS

**Copyright(ed):** A type of intellectual property that protects original works of authorship as soon as an author fixes the work in tangible form of expression.

**Copyright Infringement Takedown Notice:** Email sent to [dmca-feedback@sus.edu](mailto:dmca-feedback@sus.edu) on behalf of the Copyright Owner, providing the specific details of the claimed infringing action (such as the name of a file, reported IP address and port, and time and date of the infringement), and requesting that any alleged illegal use cease immediately as described under the DMCA.

**Copyright Owner:** A person or a company who owns all or any one of the exclusive rights of Copyright for a work.

**Copyrighted Work:** An original expression embodied in any tangible medium (including electronic) that is protectable under Copyright law. Types include email and web information, lecture notes, textbooks, articles, books, photographs, paintings, sculptures, software, musical compositions, movies, games, architectural drawings, and graphics.

**DMCA:** Digital Millennium Copyright Act of 1998



**DMCA Designated Agent:** The agent designated by SUS to receive Copyright Infringement Takedown Notices associated with the use of SUS Information Technology Resources. The Director of Web Applications in the Division of Information Technology (DoIT) and the Director of Communications in the Office of Communications are the DMCA Designated Agents for SUS.

**File Sharing:** The use of applications where peer-to-peer sharing of software has taken place. Applications include, but are not limited to, Google Drive, Dropbox, BitTorrent, Ares, and FrostWire.

**Information Technology Resources:** SUS-Owned facilities, technologies, and information resources used for the processing, transfer, storage, and communications of SUS or its postsecondary institutions. Included, without limitations, in this definition are computer labs, classroom technologies, computing and electronic devices and services, email, networks, telephones (including cellular), voicemail, fax transmissions, video, multimedia, and instructional materials. This definition is not all inclusive but rather reflects examples of equipment, supplies, and services. This also includes services that are SUS-Owned, leased, operated, or provided by SUS or its postsecondary institutions or otherwise connected to SUS resources, such as cloud and Software-as-a-Service (SaaS), Platform-as-a-Service (PaaS), or any other connected/hosted service.

**Personal Endpoint Device:** Any Endpoint Device that has been purchased directly by a member of the SUS community, using their personal funds not administered by SUS or its postsecondary institutions.

**SUS-Owned:** Any device, equipment, software, and hardware purchased with administered funds of SUS or its postsecondary institutions, including funds derived from the budgets and external grants of SUS or its postsecondary institutions.

**United States Copyright Act of 1976:** Legislation that provided the basic framework for the current copyright law, was enacted on October 19, 1976, as Pub. L. No. 94-553, 90 Stat. 2541. The 1976 Act was a comprehensive revision of the copyright law in Title 17.

## **V. POLICY IMPLEMENTATION PROCEDURES**

### **Responsibilities**

All individuals using SUS Information Technology Resources are responsible for becoming familiar with and following this policy. Supervisors and employees with student oversight duties of SUS or its postsecondary institutions are responsible for promoting the understanding of this policy and for taking appropriate steps to help ensure and enforce compliance with it.

**Anyone Using SUS's Information Technology Resources:**

- May use all or part of a Copyrighted Work only if (a) they have the Copyright Owner's permission, (b) have purchased a license or the media, or (c) the use qualifies as a legal exception under the Copyright Act.
- Is prohibited from illegally downloading or sharing the Copyrighted Work.

**Division of Information Technology (DoIT):**

- Follows the notification and takedown procedures required under the DMCA and the Copyright Act, investigating all Copyright complaints received by SUS through the formal Copyright Infringement Takedown Notification process, and will promptly determine if the notice complies with the notice requirements of the DMCA.
- Investigates disputed infringement findings to determine their legitimacy and notifies claimants of results.
- Ensure that this policy is posted to the SUS website.

**Office of General Counsel (OGC):**

- Ensure SUS is registered in the DMCA Designated Agent Directory.

For Copyright Infringement Takedown Notices where SUS's network system serves solely as a conduit, e.g., a Personal Endpoint Device, DoIT will:

- Attempt to identify a person associated with the material that the Copyright Infringement Takedown Notice identifies as infringing the Copyright.
- If identified, inform the responsible party of their obligations under DMCA to remove the Copyrighted Work.
- Notify Responsible Administrators of the responsible party's non-compliance of this policy.

For Copyright Infringement Takedown Notices where SUS-Owned equipment is being used to host filesharing activity that infringes Copyright, DoIT will:

- Attempt to identify a person associated with the material that the Copyright Infringement Takedown Notice identifies as infringing the Copyright.
- If identified, inform the party responsible that they must cease filesharing the infringing material immediately, as the action places them and SUS at risk of legal action.
- Notify Responsible Administrators of the responsible party's non-compliance of this policy.
- If necessary, take down the claimed infringing material.

**Recipients of Infringement Notifications:** Must respond within seven (7) days, by either removing the material identified as infringing from their device and providing a notification of completion or providing a reason they believe the claim is not legitimate.

**Responsible Administrators:** The following offices are responsible for any necessary disciplinary actions as determined by the Policy Compliance section of this policy and their policies and procedures:

- Student violations: Student Affairs
- Staff and Faculty violations: Human Resources

## VI. POLICY RELATED INFORMATION

- Digital Millennium Copyright Act 1998
- United States Copyright Act of 1976
- Southern University System IT Security Policy Plan
- All other applicable Southern University System Policies

## VII. POLICY HISTORY AND REVIEW CYCLE

The Division of Information Technology will be charged with implementing this policy through the Southern University System.

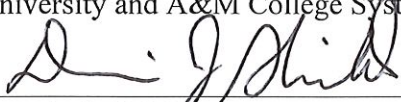
This is a new policy and is subject to a five-year policy review cycle.

## VIII. POLICY URL

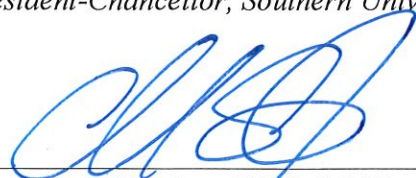
The approved policy will be posted on the Southern University System website under Board Policies at [www.sus.edu](http://www.sus.edu).

## IX. POLICY APPROVAL

The effective date of this policy is determined by the approval date of the President-Chancellor of the Southern University and A&M College System and the Board of Supervisors of the Southern University and A&M College System.

  
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**Dennis J. Shields**  
*President-Chancellor, Southern University and A&M College System*

  
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**Effective Date of Policy**

  
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**The Honorable Atty. Edwin M. Shorty Jr.**  
*Chair - Southern University System Board of Supervisors*

  
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