



Policies and Procedures

COPYRIGHT POLICY

It is the policy of the Institution to respect the copyright protections given to authors, owners, and publishers under federal law including the Digital Millennium Copyright Act of 1998.

Copyright is legal protection for creative intellectual works, which is broadly interpreted to cover almost any expression of an idea. Text (including email and Web information), graphics, arts, photographs, video and other media types, music, and software are examples of types of works protected by copyright. The creator of the work, or sometimes the person who hired the creator, is the initial copyright owner.

Copyright infringement (or copyright violation) is the unauthorized or prohibited use of works covered by copyright law, in a way that violates one of the copyright owner's exclusive rights, such as the right to reproduce or perform the copyrighted work, or to make derivative works

It is against policy for any student, faculty, staff member, consultant, contractor or another worker at the institution to copy, reproduce, share, or distribute any software, music, games, or movies on institution computing equipment except as expressly permitted by a software license or with the written consent of the copyright holder or as otherwise permitted under federal law.

Willful infringement may subject a student or employee to discipline and can impact the privilege to use information technology resources at the institution. 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. Even an innocent, unintentional infringement violates the law.

Anyone found to have infringed a copyrighted work may be liable for statutory damages for each work infringed and, if willful infringement is proven by the copyright owner, that amount may be increased 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.

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.

The Institution has written plans to effectively combat the unauthorized distribution of copyrighted material by users of the Institution's network without unduly interfering with the education and research use of the network. The plan is evaluated regularly for effectiveness. Currently, students are given login accounts with limited privileges which prevent them from being able to install software locally on institution computers.

Also, at most locations, a firewall is in place that can be configured to block malicious content from being downloaded and uploaded. The Institution is currently involved in a project to standardize a centrally managed firewall solution that will allow for much greater control and reporting capability.

The Institution has secured purchasing agreements with many of its hardware and software vendors that allow students to purchase these items at significant discounts. This is an alternative to help reduce illegal downloading or otherwise acquiring copyrighted material. Other alternatives are assessed regularly by the Institution.

Employees of the Institution are required to read and sign a Computer Use Policy. This is in place to help employees benefit from technology and allow the Institution to manage the cost and risk of such use.

For more information on United States copyright law, please consult the U.S. Copyright Office's website at <http://www.copyright.gov> .



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COPYRIGHT INFRINGEMENT

Introduction: In compliance with the 18 USC 2319, Criminal Copyright Infringement, 17 USC 101, the No Electronic Theft (“Net”) Act and the Digital Millennium Copyright Act’s provisions relating to educational institutions, New Professions Technical Institute (NPTI) encourages its students, faculty and staff to educate themselves on the principles of copyright and to respect the rights of copyright owned by others. Individuals using computers and networks (the “account holder”), library, and other academic resources at NPTI (the “Institute”) are responsible for complying with copyright laws and the Institute’s policies and procedures regarding the use of copyrighted materials.

Copyright Policy

Notification, Investigation, and Removal Procedures

Institute Authority

In the case of copyright infringement by an account holder, the Institute reserves the rights to deny, limit, revoke, or extend computing privileges and access to the network at its discretion or to impose other sanctions at its discretion. (See end of this policy statement for procedures on copyright infringement concerning language, literature, or media other than computers and networks.). Once a determination of copyright infringement has been made under the Procedures for Investigation and Disposition of Copyright Infringement Allegations, the matter will be referred to the appropriate authority as defined below.

The **Director of Education (DoE)** will deal with student violations of this policy. Faculty and Staff violations of this policy will be dealt with by the **School Director**. The procedures outlined below will apply when the Institute receives written notification of an alleged copyright infringement.

Notification of Infringement by Copyright Holder

Copyright holders who believe an account holder has infringed their copyrighted material must notify the **Registrar** (the “designated agent”) of the allegedly infringing action or material in writing. For purposes of these procedures, an Email message from the copyright holder shall be considered a written notice providing the copyright holder alleging the infringement is identified

and is willing to provide additional signed documentation of his/her claim. The notification must:

- 1) Identify the copyrighted material being infringed in sufficient detail to permit the University to locate the allegedly infringing material on the University’s network;
- 2) State the basis for the claim of possible infringement;
- 3) State the basis for the copyright holder’s copyright in the work (e.g. author, owner, assignee).

Notification of Account Holder of Allegation of Copyright Infringement

The designated agent will notify the account holder who appears to have posted the allegedly infringing material that an investigation procedure will be conducted according to published policy.

Procedure for Investigation and Disposition of Copyright Infringement Allegations

In the event that the allegedly infringing material is being used for a class at the Institute, the designated agent will attempt to secure an arrangement with the copyright holder for use of the allegedly infringing material by the account holder until the end of the current academic term. Failing a satisfactory arrangement, the designated agent will notify the account holder and conduct an investigation of the alleged infringement and take action as set forth below regarding any allegedly infringing material.

If, after the investigation, the designated agent determines that the allegedly infringing material appears not to infringe on the copyright of the copyright holder, the designated agent will notify the copyright holder and the account holder of this determination. If the copyright holder disagrees with the determination of the designated agent, the copyright holder may request in writing that the Institute ask its attorneys to render an opinion as to whether the allegedly infringing material constitutes copyright infringement. If the material is determined not to constitute copyright infringement, the material will remain on the network.

If, after conducting an investigation, the designated agent determines that the allegedly infringing material appears to infringe the copyright of the holder, the designated agent, working with the appropriate authority, will follow the procedures for removal of infringing material set forth below.

Removal of Infringing Material

If, after the designated agent's investigation, the determination is made that the allegedly infringing material appears to infringe the copyright of the holder, the designated agent will notify the copyright holder and the account holder whose account was used to post the allegedly infringing material. The designated agent will direct the appropriate IT staff member to remove, or block access to, the allegedly infringing material. At this time, the appropriate authority, as designated under "Institute Authority," will be notified.

Upon receipt of notification from the designated agent that the allegedly infringing material appears to infringe the copyright of the copyright holder and is being blocked or removed from the Institute's computers or network, the account holder may request that the designated agent

restore the removed or blocked material based on the account holder's belief that the allegedly infringing material is not infringing. Such a request must be in writing and include a detailed statement of the basis for the account holder's belief that the allegedly infringing material is not infringing, as well as a request that the **Registrar** removed or blocked material be restored. If the designated agent receives such a request from the account holder, the designated agent, in consultation with the appropriate Institute authority, will provide a copy of the request to the copyright holder and to the Institute attorneys, if the attorneys have not already provided an opinion on the matter.

If within ten days after a copy of the account holder's request is sent to the copyright holder by the designated agent, the designated agent has not received a written request from the copyright holder to continue the blocking or removal of the allegedly infringing material, the designated agent will notify IT department to restore the material so long as Institute attorneys, if they have been consulted, agree that the material does not constitute an infringement of copyright. IT department will restore the allegedly infringing material within four days of the receipt of such notification.

If the designated agent receives, within ten days, a request from the copyright holder to continue the blocking or removal of the allegedly infringing material, the designated agent will provide copies of all correspondence to the Institute's attorneys. Notification of this request from the copyright holder will also be sent to the account holder who had appealed the original decision regarding the alleged copyright infringement, and the appropriate Institute authority. The

Institute attorneys will be asked to render an opinion as to whether the allegedly infringing material constitutes copyright infringement.

If the allegedly infringing material is determined, by the Institute attorneys, not to constitute copyright infringement, the material will be restored by the IT department within four days of such determination.

If the designated agent receives, within ten days, a request from the copyright holder to continue the blocking or removal of the allegedly infringing material, the designated agent will provide copies of all correspondence to the Institute's attorneys. Notification of this request from the copyright holder will also be sent to the account holder who had appealed the original decision regarding the alleged copyright infringement, and the appropriate Institute authority. The Institute attorneys will be asked to render an opinion as to whether the allegedly infringing material constitutes copyright infringement. If the allegedly infringing material is determined, by the Institute attorneys, not to constitute copyright infringement, the material will be restored by the IT department within four days of such determination.

Policy Review

The Copyright Infringement's Committee consisting of the **School Director, Director of Admissions, Registrar and Director of Education** will ensure that this policy is reviewed every year.

Interim Designation of Agents to Receive Notification of Claimed Infringement

This is to notify copyright holders that the following persons have been designated by New Professions Technical Institute (NPTI) to serve as designated agents and to receive requests concerning claimed copyright infringement, pursuant to the Digital Millennium Copyright Act: June 19, 2003

Any copyright holder wishing to send a notice to Florida Department of Education for Continuing Education (FLDOE/CIE) regarding possible copyright infringement should file that notice in writing with the appropriately designated agent at the following address:

**Registrar
New Professions Technical Institute
4000 West Flagler Street,
Miami, FL 33134**

Sources

The Copyright Office regarding Interim Regulations is available at

<http://lcweb.loc.gov/copyright/onlinesp/>

The Interim Regulations are available at <http://www.aop.org/legis/interim.html>

Circulars from the U.S. Copyright Office: <http://www.loc.gov/copyright/circs>

University of South Florida-Tampa:

<http://www.lib.usf.edu/accsvc/copyright.html>

(This is a broad collection of sources on copyright)

Skidmore College Guideline:

<http://www.skidmore.edu/help/rules/copyright.html>

Washington and Lee University: <http://www.wlu.edu/computing/policies.wlu>

Stanford University: <http://fairuse.stanford.edu>

Revised 11/2016