

## ***Policy***

### ***Otis' Response to a Student Violation of The Digital Millennium Copyright Act***

**Date:** October 16, 2006

**Purpose:** To establish policy by which Otis College will respond to an alleged violation of the Copyright laws as covered under the Digital Millennium Copyright Act (DMCA). Please see "Complying with the Digital Millennium Copyright Act" policy.

**Scope:** This policy covers students at Otis College.

**Discussion:** All members of the Otis College community are expected to comply with the copyright laws of the United States. These copyright laws apply to copyright-protected materials regardless of whether they are reproduced in digital, electronic, print or other form.

This policy outlines the steps taken by Information Systems and when a notification of an alleged Copyright violation is received under the DMCA in which a student is the suspected violator.

**Details:** When Information Systems receives a notification of alleged copyright infringement under the DMCA, from the DMCA agent for Otis College, in which a Otis student is the alleged infringer, Information Systems will initiate the following steps with the student:

#### **First alleged offense by a student:**

1. The computer account of the student in question is disabled.
2. A letter ([standard copyright infringement 1<sup>st</sup> occurrence](#)) is drawn up and put in the student's mailbox. Carbon copies are sent to the Dean of Student Affairs, the DMCA agent for Otis College, and the Director of Information Systems.
3. Voice mail is left for the student informing him/her that their account has disabled and why this action was taken. Also, the student is informed that a letter has been placed in their mailbox.
4. The DMCA agent for Otis College will send a formal response back to the party alleging the violation.
5. The student must provide a written response to the Director of Information Systems explaining that they have either not violated any copyright laws and give proof, or they have corrected the problem and are no longer violating copyright laws.
6. The student's account will be activated on as soon as the Director of Information Systems for Otis College receives a written response from the student and the issue has been resolved to the satisfaction of the Director.
7. The DMCA agent for Otis College will send a formal response back to the party alleging the violation outlining the steps taken and the outcome.

**Second alleged offense by the same student:**

1. The computer account of the student in question is disabled.
2. A letter ([standard copyright infringement 2<sup>nd</sup> occurrence](#)) is drawn up and put in the student's mailbox. Carbon copies are sent to the Dean of Student Affairs, the DMCA agent for Otis College, and the Director of Information Systems.
3. A copy of the letter will be placed in the student's permanent file.
4. Voice mail is left for the student informing him/her that their account has been disabled and why this action was taken. Also, the student is informed that a letter has been placed in their mailbox.
5. The DMCA agent for Otis College will send a formal response back to the party alleging the violation.
6. The student must provide a written response to the Director of Information Systems explaining that they have either not violated any copyright laws and give proof, or they have corrected the problem and are no longer violating copyright laws.
7. The student's account will be activated as soon as the Director of Information Systems for Otis College receives a written response from the student and the issue has been resolved to the satisfaction of the Director.
8. A copy of the student's response will be placed in the student's permanent file.
9. The DMCA agent for Otis College will send a formal response back to the party alleging the violation outlining the steps taken and the outcome.

**Third and subsequent alleged offense by the same student:**

1. The computer account of the student in question is disabled.
2. A letter ([standard copyright infringement 3<sup>rd</sup> occurrence](#)) is drawn up and put in the student's mailbox. Carbon copies are sent to the Dean of Student Affairs, the DMCA agent for Otis College, and the Director of Information Systems.
3. The Dean of Student Affairs will be notified that Information System wishes to take this matter to the Judicial Board for action. Then final disposition of the Otis College Judicial Board will be binding. This could include permanent revocation of college computing privileges, suspension, or expulsion. Please see the Otis Judicial Board procedures for more information.
4. The DMCA agent for Otis College will send a formal response back to the party alleging the violation.
5. The DMCA agent for Otis College will send a formal response back to the party alleging the violation outlining the steps and outcome of the Judicial Board.

### **Additional Information about Copyright**

For more information regarding copyright law, visit the following web sites:

#### *General*

- U.S. Copyright Office (<http://www.loc.gov/copyright/>)
- Copyright Basics (from the U.S. Copyright Office) (<http://www.copyright.gov/circs/circ1.html>)
- Copyright Laws of the U.S. (from the Legal Information Institute at the Cornell University Law School) (<http://www4.law.cornell.edu/uscode/17/>)

#### *Digital Millennium Copyright Act*

- The Digital Millennium Copyright Act (the law itself, PDF) (<http://www.copyright.gov/legislation/hr2281.pdf>)
- U.S. Copyright Office Summary of the DMCA (PDF) (<http://www.copyright.gov/legislation/dmca.pdf>)

**Exception:** If College officials believe that a student has knowingly and intentionally violated copyright laws, the matter will be taken directly to the Judicial Board, even if it is the first allegation.

**Revisions:** 10/16/06 – Created and Adopted