



<b>Policy Number and Title:</b>	<b>100.107 BMCC Copyright Policy</b>		
<b>Approval Authority:</b>	Board of Regents	<b>Date Effective:</b>	November 20, 2020
<b>Responsible Office:</b>	IT Department	<b>Responsible Office Contact:</b>	IT Director

**1. POLICY STATEMENT/REASON FOR POLICY**

Federal laws and regulations mandate that higher education institutions have a copyright policy.

**2. ENTITIES AFFECTED BY THIS POLICY**

All BMCC Departments and students.

**3. WHO SHOULD READ THIS POLICY**

All BMCC employees and students.

**4. WEB SITE ADDRESS FOR THIS POLICY**

-This policy can be found at:

<http://www.bmcc.edu/about-bmcc/governance-administration/college-policies>

**5. FORMS/INSTRUCTIONS**

No forms required.

**6. HISTORY**

-Adopted: November 20, 2020

-Next Review Date: November 2023

-BMCC reserves the right to revise policies at any time.

## **7. THE POLICY**

### **100.107 BMCC Copyright Policy**

#### **Scope:**

The Copyright Policy applies to anyone using BMCC's computer systems, networks, library, and data systems. This includes faculty and staff members, students, external vendors, guests and other members of the college community.

#### **Policy Content**

Bay Mills Community College (BMCC) obeys all applicable laws regarding intellectual property. BMCC faculty, staff, and students are required to comply with all U.S. copyright laws, including Title 17 U.S. Code, the United States Copyright Act, the Digital Millennium Copyright Act of 1998, and the Technology, Education, and Copyright Harmonization (TEACH) Act 2002.

United States copyright law is based in the U.S. Constitution, giving Congress the authority "To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries." (Article I, sec. 8). Those exclusive rights to one's own intellectual property include literary, dramatic, musical, artistic, works in any medium (printed, digital, other recording media) as well as software.

Every student, faculty member and employee of the College is expected to comply with the provisions of copyright law. BMCC will not assume legal responsibility for faculty or staff members who fail to make a good faith determination or otherwise do not comply with BMCC copyright policy or copyright law.

Federal copyright laws also protect the software available for use on computers at BMCC. The software provided through the College for use by faculty, staff, and students may be used only on computing equipment as specified in the various software licenses. Faculty, staff, or students must not copy or reproduce any licensed software or intellectual property found on College computing equipment, except as expressly permitted by the software license, author, or granting authority. Faculty, staff, and students may not use unauthorized copies of licensed software on College-owned computers. In addition, copyright law applies to digital resources and any unauthorized redistribution of music, movies, text, software or other protected media is prohibited.

The college as a provider of access to web and internet services is required to have a copyright policy that indicates its compliance with the Digital Millennium Copyright Act (DMCA). In so doing the College qualifies for the DMCA Safe Harbor provisions which protect the college from liability if faculty, staff or students commit copyright infringement while on the college network or equipment. A copyright policy indicating compliance with the DMCA is also one of the necessary preconditions for the College to allow its

faculty and staff to take advantage of the Technology, Education and Copyright Harmonization (TEACH) Act.

The DMCA does provide non-profit educational institutions with some protections if individual members of the community violate the law. However, for BMCC to maintain this protection, the College must immediately respond to complaints from copyright holders when someone in the College community has infringed on their copyright by using material without permission. Examples of copyright infringement found in a college setting:

- A faculty member places a number of full-text articles on a class Internet page that is accessible to anyone who can access the Internet.
- Students download MP3 files of music and videos files and send them to friends without the copyright holder permission.
- Students use BitTorrent or similar peer-to-peer file sharing utilities to download copyrighted music without permission from the copyright holder.
- Students use BitTorrent or similar peer-to-peer file sharing utilities to make copyrighted works stored on their hard drive available to others to download
- A student prepares a Internet page assignment for a course and uses corporate logos without permission.
- Without the copyright holder's permission, a faculty member places an electronic copy of a standardized test on the department's Internet site.
- A staff member enhances the departmental Internet site with music that is downloaded and artwork that is scanned from a book, all without attribution or permission.
- A student scans a photograph that has been published and uses it without permission as the background of his/her Internet site.
- A student develops an e-commerce site for a class and, without permission, scans in photographs of products that came from commercial Internet sites.
- A student selects a segment of a movie and places it on his Internet site.

BMCC complies with the [Digital Millennium Copyright Act](#). If a copyright infringement is noticed, takedown requests should be routed to the BMCC's Copyright Officer-Chet Kasper, IT Department. The BMCC Copyright Officer will notify the individual responsible for the content that the takedown has taken place, and inform them of their rights regarding counter-notice and put back procedures, which are outlined in the Digital Millennium Copyright Act – US Copyright Law, Chapter 5, section 512(g). The BMCC's Copyright Officer will follow the takedown procedure outlined in the Digital Millennium Copyright Act – US Copyright Law, Chapter 5, section 512(c)(3). The College's designated agent for notices under the Digital Millennium Copyright Act is Chet Kasper, BMCC IT Department.

## **Reporting Violations: Agent for Notification of Claims of Infringement**

To notify the BMCC administration of a claim of infringement of copyright, please contact our Agent for Notification of Claims of Infringement:

Chet Kasper  
Director of Technology  
BMCC IT Department  
12214 W Lakeshore Drive  
Brimley, MI 49715  
(906) 248-3354, ext. 8431

[ckasper@bmcc.edu](mailto:ckasper@bmcc.edu)

## **Consequences of Policy Violation:**

To ensure adherence to the Copyright Policy, BMCC reserves the right as described above to monitor the college's community use of copyright materials. Any behavior in violation of this policy is cause for disciplinary action.

Violations will be adjudicated, as appropriate, by the Office of the Dean of Students and/or the Office of Human Resources. Sanctions as a result of violations of this policy may result in, but are not limited to, any or all of the following:

- Attending a class or meeting on copyright law issues, as well as successful completion of a follow up quiz;
- Loss of college computing, e-mail, and/or voice mail privileges;
- College sanctions as prescribed by the student Code of Conduct and/or Human Resource Manual;
- Monetary reimbursement to the college or other appropriate sources; and/or,
- Prosecution under applicable civil or criminal laws.

## **Related Policies**

BMCC Student Handbook, pp. 23-24

400.301 Computer and Electronic Information Access Policy

## **Applicable Legislation and Regulations**

Copyright Act - US Code Title 17 <http://www.copyright.gov/title17/>

US Copyright Office- <https://www.copyright.gov/>

## **Related References and Education on Copyright Law**

Copyright Crash Course- <https://guides.lib.utexas.edu/copyright/home>

Copyright Overview- <https://research.library.gsu.edu/c.php?g=115635&p=753296>

Copyright for Higher Education: Codes of Best Practices in Fair Use- <https://masters.libguides.com/copyright/bestpractices>

Licensing a work under the Creative Commons – [www.creativecommons.org/licenses](http://www.creativecommons.org/licenses)

TEACH Act Information– <https://libguides.ala.org/copyright/teachact>