

Hudson Valley Community College Policy for Compliance with the Digital Millennium Copyright Act (DMCA)

Digital Millennium Copyright Act infringement is an explicit violation of the College Code of Academic Ethics (Article V Section 5.3.7 Computer Ethics Policy). The College Committee on Ethics and Conduct has jurisdiction over these cases and students are afforded due process rights under the College's Judicial System. Absent a computer security violation, students identified by content owners as allegedly violating copyright laws almost never have a defense.

An employee who illegally shares files on an institutional computer should be referred to his or her supervisor and if the behavior is repeated, the Director of Human Resources for appropriate action. In addition, the DMCA requires that the College terminate Internet services for students, faculty or staff who receive three DMCA notices and where no counter notice alleging legal use of the material has been filed with the complainant.

The user is not liable for having burned legally purchased material onto their computer but for *distributing* it out to others in contradiction to the explicit provisions of copyright law that prohibit distribution.

To assure compliance with federal copyright law and the DMCA, the College has designated an agent to notify the user or responsible party of copyright violation notices and to advise faculty, staff and students:

Valerie Lang Waldin, Copyright Officer
Faculty Librarian / Assistant Professor
Hudson Valley Community College
80 Vandenburg Avenue
Troy, NY 12180
518.629.7319
v.waldin@hvcc.edu

The DMCA requires that once a notice of alleged infringement is received by the institution's designated agent, the institution must remove the infringing traffic from the network as expeditiously as possible. Therefore, it is suggested that a system be implemented which would allow such violation notices to be simultaneously transmitted to the College Copyright Officer e-mail address v.waldin@hvcc.edu and a designated Computer Services address. Diagnostic staff in Computer Services could in turn promptly remove the material alleged to be in violation from the College's network. The language of the DMCA does not define "expeditiously", however the College's main goal is to get the infringing traffic off the network as soon as possible.

Regarding educating students, faculty and staff on illegal use of College computer resources, the Recording Industry (RIAA) has made available a video that can be incorporated in to campus orientation, College Forum and/or other educational programs about copyright infringement. Additionally, simple explanations of copyright concepts and protections shall become more visible on campus, particularly near copy machines, scanners and computer terminals.