



Five Towns College Policy on Copyrighted Materials
And
Use of the College Network and Technology

I. Introduction

Five Towns College provides network and Internet access to its students for the purposes of research and scholarship in accordance with the College's mission and goals [<http://www.ftc.edu/about-five-towns-college/mission-and-goals/>]. Because the Web contains much that is not in accordance with the College's mission, it is necessary to place some restrictions on the access and use of the network.

II. Copyright Law and Fair Use

Five Towns College strongly supports and encourages the advancement of artistic and intellectual work. It therefore views the protection of all copyrighted materials as essential. The College will not tolerate unauthorized distribution of copyrighted materials by any individual associated with the College, no matter what the means of distribution. The College's computer network, Internet services, copiers, scanners, and other equipment are expressly prohibited from being used for the unlawful copying and/or dissemination of copyrighted materials. Use of these electronic and non-electronic devices must be considered a privilege, not a right, of anyone associated with Five Towns College. Anyone violating copyright laws may be subject to disciplinary action as well as appropriate civil and criminal prosecution and penalties.

It is essential to understand the basics of United States Copyright Law. According to Title 17 of the U.S. Code [<http://www.copyright.gov/title17/>], the reproduction of copyrighted materials is prohibited. Copyrighted materials include, but are not limited to, such resources as books, periodical publications, music (in all formats), filmed materials, and printed music.

The Fair Use Doctrine (Section 107 of Title 17, U.S. Code [<http://www.copyright.gov/title17/92chap1.html#107>]) outlines circumstances under which individuals are permitted to use copyrighted materials without obtaining the permission of the copyright holder. According to the doctrine, "*the fair use of a copyrighted work, including such use by reproduction in copies...for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright.*" Several factors should be considered before fair use is determined, including how much of a work is being used, what purpose is being served by the use, the nature of the copyrighted material, and how the use affects the potential market or actual value of the copyrighted material. The lines between fair use and copyright

infringement are often unclear and court decisions have not always been consistent, so individuals should avoid the copying or distribution of copyrighted materials whenever possible. If copyrighted material is quoted or paraphrased, that material must be properly referenced and cited. The Internet is not in the public domain, and much of what is posted on it is in fact copyrighted. Works need not explicitly state that they are copyrighted in order to be so. The United States Copyright Office further elaborates on the legal definition of fair use in the Fair Use Index [<http://www.copyright.gov/fls/fl102.html>].

The Digital Millennium Copyright Act [<https://www.congress.gov/bill/105th-congress/house-bill/2281>] of 1998 updates the Fair Use Doctrine, inasmuch as it prohibits circumventing copyright protection, via hardware, software, or other means, even if it is for educational use. Put simply, it is unlawful to use computers to bypass copyright protection to copy or distribute copyrighted materials for any reason, even it would otherwise be considered fair use by a student or instructor.

III. Creative Commons

Creative Commons [<https://creativecommons.org/about/>] is a type of copyright protection that allows the copyright holder to limit his or her exclusive rights to a particular work, usually for the purposes of making it more accessible to a greater audience. At its core, Creative Commons promotes the sharing of creative work through the use of technology. Actual protections covered by Creative Commons licenses vary, so it is still important to follow the guidelines of the creator/owner, when using his or her work.

IV. File Sharing

Peer-to-peer file sharing (uploading and downloading) of copyrighted materials is not permitted on the Five Towns College network. Therefore, use of the College's computer network and equipment for the unlawful distribution of any and all copyrighted materials – including, but not limited to, music, movies, software, digital books, and video games – is strictly prohibited.

V. Conduct Guidelines

All user agree to the following guidelines:

A. Acceptable Use

Five Towns College provides Internet access to support and enhance the educational experience of its students by providing access to educational materials and the opportunity for collaborative work. The use of your access and/or account must be in support of education and research, and consistent with the mission, goals, and objectives of the College. Accessing another organization's network must also comply and be consistent with their rules and regulations. Access or transmission of any material in violation of any governmental regulation or the Five Towns College Student Code of Conduct is strictly prohibited. This includes, but is not limited to, material protected by copyright, threatening or obscene material, pornography, expressions of bigotry, racism, homophobia, or hate, and material protected by trade secret. Use of the Five Towns College network for commercial activity, product advertising, or political lobbying is also prohibited.

B. Privileged Use

The use of the College network and Internet is a privilege, not a right. Each individual who receives access and/or an account is responsible for the usage associated with such account. Therefore, under no

circumstances, should passwords be shared with anyone. It is the sole responsibility of the account holder to ensure that his or her actions — and the actions of anyone using his or her network connection, IP address, or login information — comply with both New York State and Federal laws and regulations. Five Towns College retains sole discretion to determine appropriate use of campus Internet facilities, and its discretion shall be final.

C. Network Etiquette

You are expected to abide by the generally accepted rules of network etiquette. These include, but are not limited to, the following:

1. Be polite. Do not use abusive language or actions toward others. Cyberbullying is no different than other forms of harassment. Be aware that sarcasm can easily be misinterpreted.
2. Use appropriate language. Do not swear, or use vulgarities or other inappropriate language.
3. Illegal activities are strictly prohibited.
4. Do not reveal personally-identifiable information to those you do not know personally, and respect the privacy of others by not sharing their personal information.
5. Do not use the network in a way that might disrupt others' use of the network.
6. Any illegal hacking or other activity which infringes on the privacy of others or fosters the spread of computer viruses is strictly prohibited.

D. Warranties

Five Towns College makes no warranty of any kind, whether expressed or implied, for the Internet service it provides. The College will not be responsible for any losses you may suffer. Five Towns College specifically denies responsibility for the accuracy or quality of information received through this service. In no event shall Five Towns College be liable for any indirect, special, or consequential damages or lost profits arising out of your use of the network.

E. Security

Security on the network is a high priority, especially when the system involves many users. If you become aware of any security breach or weakness on the network or Internet, you agree to notify the System Administrator immediately. In addition, you agree not to demonstrate the breach or weakness to others. You agree to be responsible for the actions of those to whom you do demonstrate such breach or weakness. Attempts to log on as a system administrator is strictly prohibited.

It is also important to understand that the transmission of sensitive information — such as social security numbers, credit card numbers and other financial information, and compromising photographs — over the College network should be avoided in all instances.

F. Vandalism

Electronic vandalism includes, but is not limited to, creating, facilitating, or spreading computer viruses; hacking; impersonating a system administrator; attempting to harm, destroy, or interfere with data, the proper functioning of the network or any device on it; and physically damaging any computer or peripheral piece of equipment. Such conduct is strictly prohibited.

G. Ambassador

The manner in which you conduct yourself, whether in person or electronically over the Internet, is a reflection upon you and upon Five Towns College. As such, you are expected to conduct yourself in a manner consistent with your affiliation with the College. Any conduct which casts the College in a negative light, or which demeans the integrity of the College, its students, faculty or staff, or which subjects it to public criticism or legal action is strictly prohibited.

VI. Privacy

Individuals should have no expectation of privacy or confidentiality in their use of the College's computer network. Because the College provides access to its computer network as a privilege and is held accountable for its network, College officials have the legal right to monitor network activity and take appropriate actions against those who misuse or abuse their network access. Electronic mail (email) is not private. The College has access to all email you send and receive, and may review it from time to time. It is very important for those affiliated with the College to understand that certain materials available through the Internet are inherently inappropriate for educational purposes or illegal to access. The College expects its network users to refrain from accessing such materials through the Internet.

VII. Penalties

Any individual suspected of knowingly or unknowingly violating any of the policies described in this document will be subject to an investigation by the College, and possible disciplinary action. If the College believes an individual has violated any New York State or Federal law, the investigation will then be handed over to the appropriate legal authorities.

I have read and understand the policy statement contained herein. I hereby agree to abide by the rules set forth, and to be responsible for any violations of such policy. I accept all legal responsibility for my actions.

Print Name: _____

Signature: _____