



POLICY TITLE	Use of Copyrighted Materials	Policy Number	135
Section	Governance, Organization, and General Information	Approval Date	June 21, 2012
Subsection	Publications, Reports, Research, and Records	Effective Date	June 21, 2012
Responsible Office	Office of the Vice President of Academic Affairs		

1.0 PURPOSE

1.1 The purpose of this policy is to outline the responsibilities of members of the campus community with respect to federal laws regarding copyrighted materials. This policy sets forth the rights and responsibilities of the University, its faculty, staff, and students in their roles as members of the campus community in use of copyrighted works using university resources. This policy establishes coordination for the dissemination of information about the use of copyrighted materials.

2.0 REFERENCES

2.1 *Copyright Act of 1976*, (Title 17 of the United States Code) as amended

2.2 *Digital Millennium Copyright Act (DMCA)*

2.3 UVU Policy 371 *Probation, Discipline, Dismissal, and Termination*

2.4 UVU Policy 541 *Student Code of Conduct*

2.5 UVU Policy 648 *Faculty Personnel Reduction*

3.0 DEFINITIONS

3.1 Campus community: All University employees, full- and part-time faculty and staff, visiting faculty members and researchers, full- and part-time students.

3.2 Copyright: A property right in an original work of authorship fixed in any tangible medium of expression giving the holder the exclusive right to reproduce, adapt, distribute, perform, and display the work.



3.3 Copyright infringement: The act of violating any of the copyright owner's exclusive rights granted by the federal *Copyright Act of 1976*.

3.4 Illegal peer-to-peer file sharing (P2P): Downloading, uploading, or electronically distributing substantial portions of a copyrighted work without the permission of the copyright holder, or participating in illegal peer-to-peer services.

3.5 University Copyright Agent: University employee registered with the U.S. Copyright Office as the designated agent to receive notifications of claimed infringement pursuant to Section 512(c)(2) of the *Copyright Act of 1976*.

4.0 POLICY

4.1 Members of the campus community shall comply with the *Copyright Act of 1976*, as amended, the *Digital Millennium Copyright Act (DMCA)*, and all subsequent amendments.

4.2 Copyrighted materials may not be copied or otherwise used without the copyright owner's permission unless such use constitutes fair use or one of the other limitations on exclusive rights specified by the *Copyright Act of 1976*.

4.3 To facilitate compliance, the University's Committee for Use of Copyrighted Materials shall inform the campus community in the proper use of copyrighted materials.

4.4 Members of the campus community who willfully and/or repeatedly infringe copyright and/or engage in illegal peer-to-peer file sharing are subject to discipline in accordance with UVU Policy 371 *Probation, Discipline, Dismissal, and Termination*, UVU Policy 541 *Student Code of Conduct*, and UVU Policy 648 *Faculty Personnel Reduction*.

4.5 Copyright infringement and/or illegal peer-to-peer file sharing may subject students and/or employees to civil or criminal penalties as found in the *Copyright Act of 1976*, as amended, and the *DMCA*.

5.0 PROCEDURES

5.1 Committee for Use of Copyrighted Materials

5.1.1 The Senior Vice President of Academic Affairs (SVPAA) appoints the Committee for Use of Copyrighted Materials (Committee). This Committee shall consist of a chair, the University Copyright Agent, and at least five additional representatives drawn from critical areas with particular concerns or expertise relative to copyright use including, but not limited to, the Faculty



Senate, the Academic Affairs Council, Information Technology, and the Library. The chair of the Committee shall report to the library director.

5.1.2 The Committee has responsibility for: (1) coordinating educational activities for the campus community about their rights and responsibilities under copyright law and the limitations on use of copyrighted materials, and (2) assisting with compliance, including responding to potential copyright infringement.

5.2 Infringement of Copyright

5.2.1 When the Committee is informed of potential copyright infringement, the Committee shall notify the individual of possible infringement and work with the individual to take corrective action if needed. The Committee shall maintain documentation of such notifications and any corrective actions taken.

5.2.2 In cases of willful or repeated infringement by an employee, the employee's supervisor shall be informed. In consultation with the Committee, the supervisor shall investigate the potential infringement and take action consistent with appropriate university discipline policy.

5.2.3 In cases of willful or repeated infringement by a student, the Office of Judicial Affairs shall be informed and shall take action in accordance with UVU Policy 541 *Student Code of Conduct*.

5.3 Copyright Compliance with the Digital Millennium Copyright Act (DMCA)

5.3.1 Information and procedures regarding compliance with the *Digital Millennium Copyright Act (DMCA)* for notification of copyright infringement are available from Information Technology.

POLICY HISTORY		
March 09, 2006	Approved for Policy Manual.	UVU Board of Trustees
June 16, 2011	Approved as a Temporary Emergency policy.	UVU Board of Trustees
June 12, 2012	Approved as a Regular policy.	UVU Board of Trustees
November 29, 2018	Non-substantive change in sections 2.2, 4.4, and 5.3.2: Name of Policy 541 updated from <i>Student Rights and Responsibilities</i> to <i>Student Code of Conduct</i> .	UVU Policy Office