

Whittier College

Policies, Procedures, Plans and Standards

Copyright on Digital Information Systems

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Introduction

Individuals using computers and networks ("Digital Information Systems") at Whittier College (the "College") are responsible for complying with copyright laws and the College's policies and procedures regarding use of the Digital Information Systems. The College reserves the right to deny, limit, revoke or extend computing privileges and access to the Digital Information Systems in its discretion. In addition, alleged violations of this procedure, the College's policies regarding use of the Digital Information Systems, or other policies of the College in the course of using the Digital Information Systems may result in an immediate loss of computing privileges and may also result in the referral of the matter to the College's judicial system or other appropriate authority.

The procedures outlined below will apply when the College receives notification of an alleged copyright infringement. For purposes of these procedures, an E-mail message shall be considered a written notice or request.

Notification of Infringement

1. Copyright holders who believe their copyrighted material has been infringed by an account holder must notify the College's Web Editor (the "Designated Agent") of the allegedly infringing action or material in writing. The notification must 1) identify the copyrighted material being infringed in sufficient detail to permit the College to locate the allegedly infringing material on the College's Digital Information Systems, 2) state the basis for the claim of possible infringement, and 3) state the basis for the copyright holder's copyright in the work (e.g., author, owner, assignee).
2. The Designated Agent will notify the account holder who appears to have posted the allegedly infringing material, and will investigate the complaint promptly.
3. If, after conducting an investigation, the Designated Agent determines that the allegedly infringing material appears to infringe the copyright of the copyright holder, the Designated Agent will follow the procedures for Removal of Infringing Material set forth below.

Removal of Infringing Material

4. In the event that the allegedly infringing material is being used for an active class at the College, the Designated Agent will attempt to work out an arrangement with the copyright holder for use of the allegedly infringing material by the account holder until the end of the current semester. Failing a satisfactory arrangement, the Designated Agent will conduct an investigation of the incident and take action as set forth below regarding any allegedly infringing material.

5. If, after the Designated Agent's investigation, the Designated Agent determines that the allegedly infringing material appears not to infringe the copyright of the copyright holder, the Designated Agent will notify the copyright holder and the account holder of the determination. If the copyright holder disagrees with the determination of the Designated Agent, the copyright holder may request in writing that the College ask its attorney's to render an opinion as to whether the allegedly infringing material constitutes copyright infringement pursuant to paragraph 11 below.

6. If, after the Designated Agent's investigation, the Designated Agent determines that the allegedly infringing material appears to infringe the copyright of the copyright holder, the Designated Agent will notify the Director for Information Technology, Whittier College, the copyright holder and the account holder whose account was used to post the allegedly infringing material.

7. Upon receipt of such notification from the Designated Agent, the Director for Information Technology, Whittier College, will direct the appropriate ITS staff member to remove, or block access to, the allegedly infringing material.

8. Upon receipt of notification from the Designated Agent that the allegedly infringing material appears to infringe the copyright of the copyright holder and is being blocked or removed from Whittier's Digital Information Systems, the account holder may request that the Designated Representative restore the removed or blocked material based on the account holder belief that the allegedly infringing material is not infringing. Such request must be in writing and include a detailed statement of the basis for the account holder's belief that the allegedly infringing material is not infringing, as well as a request that the removed or blocked material be restored.

9. If the Designated Agent receives such request from the account holder, the Designated Agent will provide a copy of the request to the copyright holder.

10. If, within 10 days after a copy of the account holder's request is sent to the copyright holder by the Designated Agent, the Designated Agent has not received a written request from the copyright holder to continue the blocking or removal of the allegedly infringing material, the Designated Agent will notify the Director for Information Technology, Whittier College to restore the material. The Director for Information Technology, Whittier College, will restore the allegedly infringing material within four days after receipt of such notification.

11. If the Designated Agent receives within 10 days a written request from the copyright

holder to continue the blocking or removal of the allegedly infringing material is received from the original sender, the Designated Agent will provide copies of all correspondence in the matter to the Director for Information Technology, Whittier College, who will forward copies of such correspondence to the College's attorneys, who will be asked to render an opinion as to whether the allegedly infringing material constitutes copyright infringement. If the allegedly infringing material is determined not to constitute copyright infringement, the material will be restored by the Director for Information Technology, within four days of such determination.

Designation of Agent to Receive Notification of Claimed Infringement

This is to notify copyright holders that Whittier College's Designated Agent to receive notices and requests concerning claimed infringement, pursuant to the Digital Millennium Copyright Act, is Tatiana Shabelnik, Web Editor. Any copyright holder wishing to send a notice to Whittier College regarding possible copyright infringement should file that notice in writing with Tatiana Shabelnik at the following address:

Tatiana Shabelnik
Public Relations
Whittier College
13406 E Philadelphia Street
Whittier, California 90608
e-mail: tshabel@whittier.edu
Telephone: 562-907-4276
Fax: 562-907-4927

For questions about these Policies, Procedures, Plans and Standards, contact:

[Troy Greenup](#)

Director for Information Technology, Whittier College
(562) 907-4287
