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## Digital Millennium Copyright Act Policy

### Statement

Gadsden State Community College complies with the provisions of the Digital Millennium Copyright Act (DMCA) and respects all rights that exist in any material protected by the copyright laws of the United States while also encouraging usage of the material that furthers the educational mission of the College. This site provides guidance to faculty, staff, and students on the usage of copyrighted material.

Federal law (Title 17 of the US Code and the Digital Millennium Copyright Act), contains provisions that prohibit the downloading, uploading, or distribution of copyrighted material in any form without permission or a license to do so from the copyright holder except in accordance with the exemptions provided under the copyright law. Gadsden State neither condones nor supports in any way the use of copyrighted material in ways that are contrary to copyright law. For more information, please read the College's Copyright Policy.

### Designated Agent

In accordance with the Digital Millennium Copyright Act (DMCA), an agent must be designated to receive notification of claimed copyright infringements. Gadsden State's designated agent is Michael Gibson, Public Services Librarian.

### Claims

The DMCA specifies that all infringement claims must be in writing (either electronic mail or paper letter) and must include the following:

- A physical or electronic signature of the copyright holder or a person authorized to act on his or her behalf;
- A description of the copyrighted work claimed to have been infringed, or, if multiple copyrighted works at a single online site are covered by a single notification, a representative list of such works at that site;
- A description of the material that is claimed to be infringing or to be the subject of infringing activity, and information reasonably sufficient to permit the service provider to locate the material;
- Information reasonably sufficient to permit the service provider to contact the complainant, such as an address, telephone number, and, if available, an electronic mail address;
- A statement that the complainant has a good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law; and
- A statement that the information in the notification is accurate, and under penalty of perjury, that the complainant is authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

### Procedure to Resolve the Matter - Complaints Involving Students

The designated agent will meet with the student whose computer contains the information that is the subject of the complaint. The student will be informed of the College's Copyright, Computer Use, and DMCA policies and

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asked to produce proof that they have explicit permission or license to use the material in the manner described in the complaint.

If the student does not produce the proper documentation, the student will be instructed to remove the specific material and other similar material from his or her computer. When the student complies with this request, the student will sign a document acknowledging removal of the copyrighted material.

If the student does not comply with the request, access to the student's College's email account and use of the College's computer technology will be blocked and the issue will be referred to the Vice President under the Student Code of Conduct and discipline-Non Academic Policy.

### **Procedure to Resolve the Matter - Complaints Involving Employees**

The designated agent will meet with the employee whose computer contains the information that is the subject of the complaint. The employee will be informed of the College's Copyright, Computer Use, and DMCA policies and asked to produce proof that they have explicit permission or license to use the material in the manner described in the complaint.

If the employee does not produce the proper documentation, the employee will be instructed to remove the specific material and other similar material from his or her computer. When the employee complies with this request, the employee will sign a document acknowledging removal of the copyrighted material.

If the employee refuses or does not comply with the designated agent's request, the employee's access to or from the employee's College's account or computer will be blocked and the action will be referred to the employee's supervisor or Cabinet Member.

**The designated agent will notify the complainant of how the issue was resolved.**

**The designated agent will retain records for three years from the date of receiving the complaint**