

Pittsburg State University acknowledges and upholds federal and state copyright laws. Copyright protection exist for documents and information distributed and shared via the Internet. Pittsburg State University accepts the copyright guidelines outlined in the Digital Millennium Copyright Act (DMCA). PSU is an "online service provider" to the campus community and takes these responsibilities seriously. Pittsburg State University's students, faculty and staff must adhere to ethical copyright practices.

### **Termination Policy for Violation of Copyright**

Pittsburg State University is an "online service provider" as defined by the Digital Millennium Copyright Act (DMCA) [Public Law 105-304].

**Responsibility:** Users of the Internet services of Pittsburg State University are responsible for compliance with all copyright laws pertaining to information and files they place, distribute, and receive on the Internet using University facilities.

**Termination of privileges:** Use of the University's online services will be terminated for anyone who violates the copyright provisions of the United States Code on the third notice of violation by the University when the University is able to discern the identity of the person who committed the violations.

**Designated Agent:** The Pittsburg State University "Designated Agent", as provided for by the DMCA, for notification of possible violations of copyright is:

Jamie L. Brooksher  
General Counsel  
Pittsburg State University  
1701 S. Broadway  
Pittsburg, KS 66762-5880  
Voice: 620-235-4136  
E-mail: [jbrooksh@pittstate.edu](mailto:jbrooksh@pittstate.edu)

**Elements of Notification:** A notification of claimed infringement must be a written communication provided to the designated agent of a service provider that includes substantially the following:

- A physical or electronic signature of a person authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.
- Identification 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.
- Identification of the material that is claimed to be infringing or to be the subject of infringing activity and that is to be removed or access to which is to be disabled, and information reasonably sufficient to permit the service provider to locate the material.
- Information reasonably sufficient to permit the service provider to contact the complaining party, such as an address, telephone number, and, if available, an electronic mail address at which the complaining party may be contacted.
- A statement that the complaining party has made 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.

- A statement that the information in the notification is accurate, and under penalty of perjury, that the complaining party is authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

**Take Down:** To the extent reasonably possible, Pittsburg State University will expeditiously remove and/or block access to material posted by a user upon notice of infringement of copyright provided to the Designated Agent by the United States Copyright Office.

**Notice:** If Pittsburg State University can reasonably discern the identity of the person responsible for the violation, that person will be promptly notified by the Designated Agent and will be provided with the following information:

- Name and address of the complaining party;
- Sufficient information to identify the copyrighted work or works; and
- A statement from the copyright owner that it has a good faith belief that there is no legal basis for the use of the materials complained of.

**Put Back:** If the individual receiving notice of improper use believes that the material in question is being used lawfully, a "counter notice" should be provided to the Designated Agent and Pittsburg State University will restore access within 14 days of the counter notice, unless the matter has been referred to a court. The Counter Notice must contain the following:

- The individual's name, address, phone number and signature;
- Identification of the material and its location before removal;
- A statement, under penalty of perjury, that the material was removed by mistake or misidentification on the part of the complainant; and
- Consent to local Federal court jurisdiction.

**Privacy Rules:** Under the DMCA, Pittsburg State University may be obligated to provide names of individuals using its online services upon the order of a Federal court. The University will safeguard the privacy of a user's identity on the Internet to the full extent of the law.

**Circumvention of Protection Technologies:** The DMCA prohibits the "circumvention" of any effective "technological protection measure" (e.g., a password or a form of encryption) used by a copyright holder to restrict access to its material.

**Further Information:** Questions about compliance with the DMCA at Pittsburg State University may be addressed to the Designated Agent listed above.

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**Pittsburg State University**