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INTRODUCTION

Respect for intellectual property is essential to the mission of educational institutions. This respect includes the right to acknowledgment, right to privacy, and right to determine the form, manner, and terms of publication and distribution for all original works, regardless of media. The University does not tolerate plagiarism, or the unauthorized copying of software, including programs, applications, databases and code. The latter deprives software companies of revenue thereby reducing the compensation to creative development teams. It also increases prices and can hinder the development of enhancements and new software. Users are expected to comply with this and other related information technology policies.

PURPOSE

The purpose of this policy is

- To enumerate the rights of a software copyright holder.
- To list the options available to users to acquire software legally.
- To outline the consequences of breaching copyright.

SCOPE

The IT environment includes personal computers, workstations, mainframe computers, supercomputers, ORION, file/database/application/e-mail/web servers, network resources, connections to these networks, services offered over these networks, and all related peripherals. It also includes all information in electronic or audio-visual format that any hardware or software make possible the storage and use of such information.

This policy applies to anyone who uses any portion of the IT environment, whether located at the St. Catharines or Hamilton campus or elsewhere. This includes access to the University's networks from any source and any leased properties from which the University operates.

This policy is intended to complement, not detract from any other agreements or policies in place at the University. Where this policy disagrees with collective or other existing agreements, the agreements will take precedence over this policy.

POLICY

1. Any individual who uses any of the University's IT resources is responsible to respect copyright holder's rights. The rights specifically prohibit circumvention of technological measures for the protection of works and unauthorized modification of rights management information contained in works. In terms of software copyright, there are four basic classifications. The restrictions and limitations regarding each are different.
 - a. **Commercial** software represents the majority of software purchased from software publishers, commercial computer stores, etc. Typically one archival copy of the software can be made for backup purposes only. Decompiling, making modifications to and derivatives of the software are not allowed without the permission of the copyright holder.

- b. **Shareware** allows users to make and distribute copies of the software to test and review it, but require that once adopted for use, the user pay for it. Selling software as Shareware is a marketing decision, not a change to copyright.
 - c. **Freeware** operates in direct opposition to normal copyright restrictions. It is distributed in a way that allows use of the software at no charge. The software license usually prohibits the software from being sold rented or distributed for profit.
 - d. **Public Domain** software is when the original copyright holder explicitly relinquishes all rights to the software. Assume copyright protection unless the Public Domain notification is clearly stated.
2. Illegal copying of software is a violation of the Computer Use Policy. This includes taking from or placing copyrighted material on any publicly accessible computer or providing a legal copy to others where the likelihood is that the copyright license will be violated. Software that is not copy-protected does NOT constitute permission to copy the software without approval from the copyright holder. Only software that is declared by the copyright holder to be in the public domain may be duplicated without charge.
 3. Software copyright violations are detrimental to the University.
 - It may hinder the University's ability to negotiate agreements that would provide widely used less expensive software to the University community.
 - It may result in a legal liability.
 - It may result in sanctions that include suspension, expulsion or termination.
 4. Software copyright violations are detrimental to the user. Those who use pirated software:
 - Increase the chances that the software will not function properly;
 - Forfeit access to customer support, upgrades, technical documentation, training and bug fixes;
 - Have no warranty to protect themselves;
 - May find it is an outdated or nonfunctioning copy;
 - Increase their risk of exposure to a virus;
 - Are subject to significant fines of up to for copyright infringement;
 - Are subject to academic or employment sanctions; and
 - Risk potential negative publicity and private embarrassment.

For further information about software piracy and the ten basic ways one can intentionally or unintentionally get caught in the piracy trap see the Software & Information Industry Association's web site at <http://www.siiia.net/piracy/whatis.asp>.
 5. Users should become familiar with the restrictions set out in the license agreements of the software they use and follow it. The license should clearly state how and where the software may be legally used.
 6. All software acquired by the University must be used in accordance with the license or other agreement with the copyright holder. When you leave the academic community by graduating, retiring, or resigning you may no longer be covered by the institutional agreement and may be required to return or destroy your copies of the software licensed to the institution. The University reserves the right to inspect any University owned computer for violations of this policy.

RELATED POLICIES

Computer Use
 Student Code of Conduct
 Freedom of Information and Privacy Protection

Parts of this policy are reproduced from the Software Publishers Association web page <http://www.siiia.net/> and from a brochure produced in 1993 as a service to the academic community by the Educational Uses of Information Technology program (EUIT) of EDUCOM (<http://www.educause.edu/>) and the Information Technology Association of America (ITAA). EDUCOM is a non-profit consortium of colleges and universities committed to the use and management of information technology in higher education. ITAA is an industry association providing issues

management and advocacy, public affairs, business-to-business networking, education and other member services to companies which create and market products and services associated with computers, communications and data.