

## Digital Millennium Copyright Act (DMCA) Policy

The distribution of copyrighted material, which includes music, movies, videos, software, games and other kinds of copyright-protected and non-copyright-protected information, for which you do not have the owner's permission, is a violation of the Digital Millennium Copyright Act (DMCA), University policy and criminal and civil laws. Violations of copyright law may result in temporary or permanent loss of access rights, fines, assignment of financial responsibility, disciplinary action up to and including immediate termination of employment, expulsion as a student, and legal action. Moreover, using these programs may contribute to an excessive consumption of bandwidth and create a potential security risk, all of which are violations of Bentley policy.

As part of Bentley's compliance with the DMCA and federal copyright law, we employ bandwidth shaping and traffic monitoring tools to combat DMCA violations. We also designated a DMCA Agent who responds to notices of copyright violations if they occur. When the University receives a notice alleging copyright infringement, Bentley's DMCA agent works with staff in Information Technology, Human Resources and Student Affairs to research and adequately address the infringement as follows:

1. The University DMCA Agent assesses the DMCA Notice to ensure that it conforms to the statutory requirements.
2. The University DMCA Agent requests that IT staff identify the individual responsible for possible copyright infringement using the Internet location of the allegedly infringing materials supplied in the notice.
3. If IT staff members are unable to identify the responsible individual, they will send the DMCA notice back to the DMCA Agent noting that it is not possible to identify the responsible individual.
4. When IT staff members identify the responsible individual as a student, they will forward that information to the DMCA Agent and the Dean of Student Affairs. The Dean of Student Affairs will address the infringement through Bentley's judicial process.

5. When IT staff identify the responsible individual as an employee, they will forward that information to the DMCA Agent and the Director of Human Resources. The Director of Human Resources will address the infringement in accordance with Bentley's Human Resources policies.

If the file-sharing and copyright infringement has been non-intentional, for example, as the result of computer compromise or "hacking", the student or employee will be instructed to work with Bentley's Help Desk to repair and secure the computer system. Bentley also encourages all students and employees to subscribe to legal downloading services to prevent violation of federal law and University policies. The RIAA (Recording Industry Association of America) lists many of their approved music downloading services.

In order to maintain safe harbor under the DMCA, it is necessary that Bentley terminate Internet services of students, faculty, or staff who receive three DMCA notices that (a) conform to statutory requirements and (b) where no counter-notification has been filed.

**Bentley's designated DMCA agent:** Chief Information Security Officer