



Digital Millennium and Copyright Policy

POLICY INFORMATION

Policy#:

Original Issue Date: [Click here to enter a date.](#)

Current Revision Date: [Click here to enter a date.](#)

Initial Adoption Date: [Click here to enter a date.](#)

RESPONSIBLE OFFICE

Title	Department
Director-Compliance	Compliance

SCOPE

Constituency	Locations
(Select all that apply)	(Select all that apply)
<input checked="" type="checkbox"/> Staff	<input checked="" type="checkbox"/> Hyde Park
<input checked="" type="checkbox"/> Faculty	<input checked="" type="checkbox"/> Greystone
<input checked="" type="checkbox"/> Students	<input checked="" type="checkbox"/> San Antonio
<input checked="" type="checkbox"/> Contractors	<input checked="" type="checkbox"/> Singapore
<input type="checkbox"/> Visitors	

(Select a Policy Type)

Organization Policy

Legal Policy

Education Policy

Marketing Policy

Finance Policy

Technology Policy

Compliance Policy

HR Policy

Enrollment Policy

Advancement Policy

Operations Policy

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A. PURPOSE

The Culinary Institute of America's Digital Millennium Copyright Act policy establishes appropriate procedures to limit the college liability in relation to certain copyright infringements policy is intended to take advantage of the liability protections in the DMCA.

B. POLICY STATEMENT

The Culinary Institute of America (CIA) complies fully with the federal Digital Millennium Copyright Act of 1998 ("DMCA") as documented in the CIA's Digital Millennium and Copyright Policy which has an established process for receiving and tracking alleged incidents of copyright infringement.

Federal law prohibits the reproduction, distribution, public display or public performance of copyrighted materials over the Internet without permission of the copyright holder, except in accordance with fair use or other specifically applicable statutory exceptions.

The Culinary Institute of America respects the rights of holders of copyrights, their agents and representatives and establishes appropriate policies and procedures to support these rights without infringing on the legal use, by individuals, of those materials. Legal use can include, but is not limited to, ownership, license or permission, and fair use under the US Copyright Act.

C. AUTHORITY

Digital Millennium Copyright Act of 1998 - [The Digital Millennium Copyright Act of 1998 - US Copyright Office](#)

Copyright Law - [Title 17 of the United States Code](#)

D. DEFINITIONS

Employee - As defined under CIA Policy on Policies

Student – As defined under CIA Policy on Policies

E. PROCEDURES

I. Rights of Copyright Owners

Employees and Students need to be aware of the rights of copyright owners. Information on copyright law and these rights can be found at United States Copyright Office <http://www.lcweb.loc.gov/copyright>.

II. Violations of the DCMA

All instances of an Employee or Student who is found to intentionally or repeatedly violate reported copyright violations will be reported to the appropriate CIA authority for disciplinary actions up to potential termination.

E-mail: copyright.complaints@Culinary.Edu

III. Designated Agent

The CIA's Designated Agent for complaints under the DMCA is:
Maura King
Director-Compliance
Copyright.complaints@culinary.edu

Listing of the Designated Agent is posted on the United States Copyright Office web site in the Directory of Agents.

IV. Notice Procedures for Copyright Owners

An individual who alleges copyright infringement concerning information on the CIA's systems or networks must send a notice to the Designated Agent. Notices posted or sent to any other email address will be deemed invalid.

The notice must include the following:

1. A description of the works claimed to be infringed.
2. A description of the allegedly infringing works or location site sufficient to enable the Designated Agent to find them.

3. Sufficient information to enable the Designated Agent to contact the complaining party.
4. A statement that the complaining party believes in good faith that the use of the material is not authorized by the copyright owner, the owner's agent, or the Copyright Act.
5. A signed statement that the information provided by the complaining party in the notice is accurate and, under penalty of perjury, that the complaining party is authorized to act on behalf of the copyright owner of one or more of the exclusive copyright rights.
6. A physical or digital signature of the owner of an exclusive copyright right or the owner's authorized agent, which accompanies the statement.

V. Alleged Infringing Site Take Down Procedures

When properly notified of the potential copyright infringement, the Designated Agent will make a reasonable effort to contact the site or page owner of the materials in question.

There will be an attempt to secure the voluntary take down of the work, but, if not, then the school will immediately disable access to the work unless it is immediately determined that the work is lawful under the copyright law.

The owner of the site or page of the alleged infringing material may exercise their counter notice procedure rights set forth below. The Designated Agent may, but need not, undertake to determine if the work complies with copyright law.

VI. Counter Notice Procedures

After voluntary take down or if the site is involuntarily disabled, and an employee or student believes they are legally using material that a copyright owner says the CIA is infringing upon, or that the copyright owner has misidentified the material, the CIA may file a counter-notice.

The notice must contain:

1. a physical or digital signature of the site or page owner.
2. a description of the material and its location before it was removed or disabled.
3. a statement under penalty of perjury that the site or page owner believes in good faith the material was removed or disabled by mistake or because it was misidentified.
4. name, address and phone number and r consent to jurisdiction of the Federal District Court for that address or any Federal District Court if the address is foreign.

- 5. A statement that the owner will accept service of process from the copyright owner.

F. RESPONSIBLE CABINET MEMBER

Chief of Staff

G. RELATED INFORMATION

Any applicable policies, appendices and links that relate to the policy and help to implement the policy.

POLICY HISTORY

The Policy History section of the College policy will include the President’s approval date, as well as revision and review history. This information is completed after receiving the President’s approval and prior to publishing the approved policy.

Policy Editorial Committee & Responsible Cabinet Member Approval to Proceed:

Policy Advisory Committee (PAG) Approval to Proceed, Date
5/12/17

Board Approval to Proceed (if required), Date

Cabinet Approval to Proceed, Date
5/26/17

Policy Revision Dates:

Scheduled Review Date: