



# MASSACHUSETTS COMMUNITY COLLEGES OFFICE OF THE GENERAL COUNSEL

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**TO: Community College Presidents  
Chief Academic Officers  
Chief Information Officers**

**FROM: Gina Yarbrough, Associate Counsel**

**DATE: June 29, 2010**

**RE: Update on the Copyright and Intellectual Property Policy and New Federal  
Copyright Requirements**

Over the past academic year, the General Counsel's Office, with the assistance of the Chief Academic Officers, and their designees, prepared a Copyright and Intellectual Property Policy for adoption by the Massachusetts Community Colleges. After review and approval by the Presidents, union representatives were offered an opportunity to bargain the impact of the policy. While AFSCME representatives did not wish to bargain over the policy, they wanted to be informed if any changes were proposed after the matter was reviewed with the MCCC. Although the MCCC expressed an interest in reviewing the policy, it has been unable to commit to a meeting date. We have recently informed union representatives that the Colleges can no longer hold off implementation of this policy in light of, among other things, new copyright regulations which go into effect July 1, 2010, and which are described in more detail below. Accordingly, the Colleges may take steps to implement the Copyright and Intellectual Property Policy, including posting on the College's website, publishing in the College's handbooks and other written materials, and notifying all faculty, students, and staff. We will continue to update you on the status of future discussions with the union regarding this policy.

Effective July 1, new copyright regulations will apply to colleges that participate in federal student aid programs, including the Massachusetts Community Colleges. These regulations implement provisions of the Higher Education Opportunity Act of 2008 relating to copyright infringement on campus networks. Colleges are now required to provide an annual disclosure to students describing copyright law and campus policies related to violating copyright law. Colleges are also required to have a plan to "effectively combat the unauthorized distribution of copyrighted materials" by users of its network, including "the use of one or more technology-based deterrents." Colleges must also have procedures for periodically reviewing the effectiveness of these plans. Colleges are also required to offer legal alternatives to illegal downloading or otherwise acquiring copyrighted material. An advisory from the United States Department of Education which explains these requirements in more detail and provides sample

language for use by the Colleges is attached to this memorandum and can also be found at <http://ifap.ed.gov/dpcletters/GEN1008.html>.

If you have any questions or we can be of assistance in the meantime, please contact us.

Cc: Kenneth A. Tashjy, General Counsel  
William Hart, Executive Director, MCCEO

Presidents/Memorandums/2010-2011/Copyright Policy - #y