

5100 SOFTWARE LICENSING COMPLIANCE

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Policy Contact: Dean, Information Resources

POLICY

Bellevue College respects the individual initiative and innovation exercised in the creation of intellectual property, whatever form it takes. Bellevue College expects all students, faculty, and staff members to comply with applicable federal, state, and local laws governing copyrighted material. This policy ensures that Bellevue College and all its individual units, employees, students and guests follow the letter and spirit of both state and federal law regarding software licensing and copyright.

Applicability

This policy applies to all Bellevue College employees, students and/or non-employees who may be authorized to use Bellevue College computing systems and networks. It informs campus users of their obligations regarding copyrighted and licensed software applications, and provides guidelines for responsible and appropriate utilization of these materials. In addition, it applies to the use of any computing systems and networks belonging to the state of Washington and to Bellevue College, and any that are entrusted to the institution by other organizations.

Authority

The provisions of [RCW 43.105.041](#) detail the powers and duties of the state of Washington Information Services Board (ISB), including the authority to develop statewide or interagency information services and technical policies, standards, and procedures. This policy is intended to be in compliance with current [ISB security policies](#), [Title 17 U.S.C.](#) (the Copyright Act), and related laws and amendments. Additionally, the Bellevue College [Copyright and the Right of Fair Use](#) policy contains many of the policies and procedures related to this policy. None of its stipulations are replaced by this policy, which is intended to augment the provisions articulated there.

These licensing and copyright laws and policies govern the purchase, lease, license and use of copyrighted materials such as computer software, audio and video recordings, printed matter and data captured in various other media. Specific Bellevue College policies defining the acceptable use of state resources, the acceptable use of Bellevue College networks and systems, the acceptable use of Bellevue College computers and the Bellevue College Information Technology (IT) Security policy all supplement this policy, and additional policies, procedures and standards may also apply.

General Technology Use

The use of Bellevue College computing and networking resources is strictly for the purpose of facilitating the exchange of information and furtherance of the education, research, public service and administrative missions of the college. This policy is not intended to limit academic freedom in any way, nor is it the intent of this policy to impinge on the intellectual property rights of authorized users. This policy provides an appropriate framework for the proper exercise of those freedoms.

Permission

Bellevue College must generally obtain written permission from the copyright owner or licensor before allowing the use or copying of software. This is usually in the form of a licensing agreement, but may take the form of licensing information disseminated to the institution on the official letterhead of the copyright holder. The college may also enter into written agreements with software licensors which spell out the rights and limitations regarding the appropriate use of the software.

Faculty and staff members with questions about the interpretation of copyright law may contact the campus copyright officer. If assistance is needed with a specific software license agreement, the point of contact will be the Bellevue College IT security administrator or his/her designee.

Prohibitions

It is prohibited to copy, reproduce, or transmit software on Bellevue College computing equipment, except as allowed by this policy or permitted by the software license. It is also prohibited to install, or cause to be installed, on any Bellevue College computing equipment, software for which legitimate verification of ownership cannot be documented. Furthermore, any unlawfully obtained software is prohibited from being installed on any Bellevue College computing equipment.

Ownership

Bellevue College is the sole owner of all software purchased using state funds or grants where Bellevue College is the fiscal agent. The dean of information resources or his/her authorized designee is authorized to sign license agreements on behalf of the college.

Bellevue College retains ownership of all data and/or software created or modified by its employees as a part of their regularly assigned job duties. Programs written by Bellevue College employees on personal home computers for their own use are not covered by this policy. Exemptions would need to be negotiated by the employee through the vice president of administrative services prior to the start of any data or applications development.

Violation Indemnification

Bellevue College reserves the right to refuse to defend or indemnify any faculty member, student or staff member named in a lawsuit arising from alleged copyright infringement activity, and to refuse to pay any damages awarded by a court of law against such person if the violation resulted from willful negligence. Any fines assessed to the college because of the illegal use of software by an individual will be passed on to the user responsible for the misuse.

RESPONSIBILITIES

Institutional Responsibility

Bellevue College has vested in IR the primary responsibility for establishing the procedures and processes to ensure that the use of software on campus complies with the law. These responsibilities include:

- Monitoring compliance with this policy and all related expectations;
- Preparing inventories of Bellevue College-owned software installed on computers for use in work-related activities both on and off-campus;
- Maintaining inventories and documentation related to the lawful use of individually-owned software on Bellevue College-owned computers;
- Establishing and maintaining a centralized software and license repository;
- Assisting Bellevue College and its technology users in obtaining and documenting that software which may legally be used; and
- Developing and maintaining adequate record-keeping systems.

Bellevue College has also established the office of the Bellevue College IT security administrator to manage all aspects of information technology security on campus. With regards to software licensing compliance, the Bellevue College IT security administrator will ensure that:

- Only authorized software is acquired and used on Bellevue College computers;
- Bellevue College employees are educated regarding copyrights protecting software, as well as the policies and procedures adopted to honor those protections, in compliance with the Bellevue College IT security standard addressing employee security training;
- Bellevue College has adequate policies, procedures, and practices to protect software copyrights; and
- All provisions of this policy and its procedures are fully implemented.

Furthermore, in carrying out the requirements of these responsibilities, the Bellevue College IT security administrator is authorized to conduct periodic internal software audits on campus in addition to sanctioning the active monitoring and scanning of Bellevue College systems, as described in this policy.

Bellevue College, through its employees, will actively cooperate with any state agency in implementing the provisions of this policy, the [Information Services Board \(ISB\) Computer Software Piracy Policy](#) and [Washington State Executive Order 00-02](#), and shall share information with such agency which may be useful in combating the unlawful use of software and other copyrighted material.

If Bellevue College becomes aware that its contractors or financial assistance recipients are using state funds to acquire, operate, or maintain software in violation of the law, appropriate measures, including requiring the use of certifications or written assurances, shall be taken. This is in specific compliance with the requirements of state law.

Employee Responsibility

Employees shall comply with the terms and conditions of all licensing agreements and the provisions of the copyright act and other applicable laws. Employees have an individual responsibility for familiarizing themselves with their obligations under this policy and for understanding the license and copyright obligations related to software they are using.

State technology resources authorized for an employee to use at home for official purposes are subject to the same expectations of copyright and licensing compliance as would be applicable if the employee were located in a Bellevue College facility or other official duty station. No employee will use unauthorized copies of software on Bellevue College-owned computers, whether the equipment is located at the workplace or in the employee's home.

Policy Maintenance

- **Information Resources (IR)**

The primary responsibility for maintenance and administration of this policy rests with the dean of Information Resources. IR is responsible for drafting any updates and changes to the policies and procedures, with input from the Technology Advisory Committee and the campus copyright officer. After appropriate campus review and final approval by the college president, IR will publish the new or revised policy to the campus, providing a brief description of the policy and its implications for employees and other affected individuals or groups.

- **Technology Advisory Committee (TAC)**

The Technology Advisory Committee (TAC) is responsible for reviewing Bellevue College technology strategies and serving as a conduit for dialogue between IR and the campus regarding all technology policies and procedures. Membership of this group is representative of the campus, and supports the dean of information resources by advocating for and presenting the campus technology needs.

- **Campus Copyright Officer (CCO)**

The director of the Library Media Center is designated as the Bellevue College campus copyright officer. The CCO will have responsibility for reviewing this policy and related procedures and advising the dean of information resources with regards to any updating and maintenance required to keep it current.

- **Human Resources (HR)**

The vice president of Human Resources is responsible for reviewing any updates and changes to this policy and procedures in light of current policies, providing input on the policy and its implications for employees and other affected individuals or groups.

DEFINITIONS

Copying

- For purposes of computer software, copying includes loading the software into the random access memory (RAM) when the computer is booted up, downloading software from an internet website, creating a duplicate of any medium upon which software is stored, saving software from its original media onto the hard drive of a computing system, or any other potentially permanent duplication.

Software

- This term includes any material or product fixed on any medium that is accessed using a computer.

RELEVANT LAWS AND OTHER RESOURCES

[Revised Code of Washington](#)

[Washington Administrative Code](#)

[Title 17, United States Code \(Copyright Act\)](#)

[Washington State Executive Order 00-02](#)

Department of Information Services [Computer Software Piracy Policy \(adopted by the Information Services Board \(ISB\) on June 12, 2001\)](#)

Department of Information Services [Intellectual Property Protection \(Computer Software Piracy\) Model Policy](#)

Department of Information Services [Recommended Best Practices for Avoiding Computer Software Piracy](#)

Bellevue College Policy # [3600 Copyright and the Right of Fair Use](#)

Bellevue College Policy # [4400 Acceptable Use of State Resources](#)

Bellevue College Policy # [5000 Acceptable Use of Bellevue College Computers](#)

Bellevue College Policy # [5150 Acceptable Use of Bellevue College Networks and Systems](#)

Bellevue College Policy # [5250 Information Technology \(IT\) Security](#)

Bellevue College Procedure # [5100P Software Licensing Compliance Procedures](#)

Bellevue College IT Security Standard: [Employee Security Training](#)

Bellevue College IT Security Standard: [Software Management](#)

REVISION HISTORY

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APPROVED BY

President's Staff