EvCC7030P: SOFTWARE LICENSING COMPLIANCE AND INSTALLATION PROCEDURE

Original Date: April 14, 2009
Revision Date: May 28, 2013
Procedure Contact: Executive Director of Information Technology

Ownership
Everett Community College is the sole owner of all software purchased using state funds or grants where Everett Community College is the fiscal agent. The executive director of information technology or his/her authorized designee is authorized to sign license agreements on behalf of the college. Everett Community 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 Everett Community 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.

Permission
Everett Community 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 Everett Community College executive director of information technology or his/her designee.

Prohibitions
It is prohibited to copy, reproduce, or transmit software on Everett Community 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 Everett Community 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 Everett Community College computing equipment.

Violation Indemnification
Everett Community 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.

Use of Software which accompanies legitimately distributed textbooks
Software which accompanies legitimately distributed textbooks (and is licensed to a user by virtue of ownership of that textbook) may be used in applicable Everett Community College offices, labs or classrooms in a manner compliant with the software’s licensing agreement. The information technology department must be notified of this requirement in a timely manner in order to ensure the PCs are prepared and the students will be able to utilize this software.

RESPONSIBILITIES

Institutional Responsibility
- Monitoring compliance with this policy and all related expectations;
- Preparing inventories of Everett Community 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 Everett Community College-owned computers; 
  establishing and maintaining a centralized software and license repository; 
• Assisting Everett Community College and its technology users in obtaining and documenting that software which may legally be used; and 
• Developing and maintaining adequate record-keeping systems.

The IT department manages all aspects of information technology security on campus. With regards to software licensing compliance, information technology is responsible for ensuring that:
• Only authorized software is acquired and used on Everett Community College computers; 
• Everett Community College employees are educated regarding copyrights protecting software, as well as the policies and procedures adopted to honor those protections, in compliance with the Everett Community College IT security standard addressing employee security training; 
• Everett Community 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, information technology will conduct periodic internal software audits on campus.
• Everett Community College, through its employees, will actively cooperate with any state agency in implementing the provisions of this procedure, and shall share information with such agency which may be useful in combating the unlawful use of software and other copyrighted material.
• If Everett Community 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 and Student Responsibility**

• Employees and students 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 an Everett Community College facility or other official duty station. No employee will use unauthorized copies of software on Everett Community College-owned computers, whether the equipment is located at the workplace or in the employee’s home.

**RELEVANT LAWS AND OTHER RELATED INFORMATION**

*Title 17, United States Code (Copyright Act)*

*Computer Software Piracy Policy (adopted by the Office of the Chief Information Officer (OCIO) on June 12, 2001)*

*Intellectual Property Protection (Computer Software Piracy) Model Policy*

*Recommended Best Practices for Avoiding Computer Software Piracy Department of Information Services*

**REVISION HISTORY:**

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