

University of Alabama at Birmingham

COMPUTER SOFTWARE COPYING AND USE POLICY

July 13, 1999

(Replaces policy entitled “Computer Software Copying Policy” dated June 1, 1994.)
[Edited April 10, 2007, to include reference to Data Protection and Security Policy
and for change in responsibility]

See also the following related policies:

“Computer Software Policy” [Software Development and Ownership]

“Data Protection and Security Policy”

“Search Policy” in the *You & UAB Handbook for Faculty and Staff*

Introduction

Respect for the intellectual work of others is a tradition at UAB. UAB values the free exchange of ideas but not plagiarism or the unauthorized copying of computer software, including programs, applications, and data. Under the federal copyright law, it is illegal to make a copy of computer software except for archival or back-up purposes without the permission of the copyright holder. Therefore, unauthorized copying of computer software or its documentation is illegal, and, if discovered, individuals and institutions who break this law can be liable for substantial damages. The *person* responsible may be held liable.

All state and federal laws and UAB policies must be adhered to in the use of UAB's computer equipment and systems. Any use of UAB equipment that violates copyright law or licensure contracts, that compromises or attempts to compromise the integrity of UAB-based or any other computers or computer systems, or that involves gambling or other illegal activity also is forbidden and may subject the computer user to criminal, civil, and/or UAB sanctions. Any use of UAB's software, including shareware, must comply with all copyright laws and with the terms of the license granted by the software owner, including any prohibitions against simultaneous use on multiple computers. Unauthorized use or copying of any software (whether or not owned by UAB) is not permitted on any UAB equipment.

This policy covers computer software which has been purchased by, acquired by, donated to, and/or licensed to, UAB and includes software that is bundled with, or preloaded on, computer systems purchased by UAB. It also includes software downloaded from networks (including the Internet), and in those instances it is important for UAB users and departments/units to ensure that any such commercial software or shareware may legally be downloaded, that the software is freeware, or that the software is in the public domain. UAB and individuals must comply with all terms and conditions of software downloaded from networks, including the Internet.

If computer software carries a UAB copyright, it may be used and distributed by UAB as long as such distribution is in keeping with the desires of the originating department/unit and is not in violation of the “Computer Software Policy.” If a UAB determination of interest in licensing the software is pending, the software would be considered non-UAB software for the purposes of this policy until such time that UAB determines its interest in licensing the software. This policy does not alter the categories of software and the rights pertaining thereto as indicated in the UAB “Computer Software Policy.”

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Definitions

For purposes of this policy, the following definitions apply:

“*Computer software*” includes, but is not limited to, purchased or commercial software, sound, graphics, images, or datasets; shareware; freeware; and electronically stored documentation and the media that hold it. *Not* included in the definition as used in this policy are noncopyrighted computer data files that have no significance beyond the individual or department/unit.

“*UAB software*” is defined as computer software purchased or acquired by a UAB department or unit or by a UAB employee as part of his or her role at UAB. It includes software donated to UAB or software purchased by related foundations and donated for use by UAB. It includes computer programs written by UAB employees or students if creating such software is a UAB-associated effort.

“*Non-UAB software*” is defined as computer software purchased, acquired, or created by an individual(s) and not officially acquired by a UAB department or unit.

“*UAB-associated efforts*” (related to computer software development) is defined relative to the UAB “Computer Software Policy” as UAB-assisted efforts and UAB-assigned efforts.

Policy Statement

It is the policy of the University of Alabama at Birmingham to comply with copyright law and license agreements entered into with vendors or authors of computer software. No illegally obtained or illegally copied (often referred to as “pirated”) computer software is allowed at UAB. UAB does not, and will not, condone illegal copying of computer software or the use of illegally copied or obtained computer software. Anyone connected with UAB who causes unauthorized computer software to be installed or loaded in connection with his or her role at UAB or who acquires unauthorized computer software in connection with his or her role at UAB is in violation of this policy.

Whenever a staff member, faculty member, contractor of services to UAB, student, or visitor to the campus, in connection with his or her role at UAB, receives a copy of computer software from UAB, requests software to be loaded or installed on a UAB computer, or loads or installs computer software on a UAB computer, he or she must abide by the stipulations included in the license agreements associated with that computer software. It is the responsibility of anyone requesting installation of, or installing or loading, computer software onto a UAB computer to be familiar with the license agreements for that computer software, as documented by the vendor. ***Individual employees are accountable for software they load or install on UAB computers or which they supply for loading or installing on the department's or unit's computers or networks. They also are accountable for any existing software on UAB computers over which they have control.***

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The installation or use of non-UAB software on UAB computers is prohibited unless approved in writing by the department/unit head. The department/unit head may choose to give blanket permission to an individual on a per-machine basis. The non-UAB software should be free of viruses or other destructive mechanisms to the greatest extent possible and must be used for legitimate UAB purposes directly related to UAB's instruction, research, and service activities.

Taking UAB-owned computer software home or elsewhere off campus to use on a non-UAB computer, even if the purpose is to perform UAB-related work, also is prohibited unless such use is authorized in writing and is permitted in the license agreement associated with the computer software. This constitutes theft of UAB property unless the software license specifically allows concurrent use and such use has been approved in writing by one's supervisor or department/unit head. If the software license does not allow such use and a department/unit requests an employee to perform such work, the department/unit should purchase a separate copy of the software for installation on the employee's computer.

A computer lab or a department/unit with publicly accessible computers which allows non-UAB software to be installed *temporarily* on the network or computers for purposes such as completing class assignments, printing documents, converting document formats, etc., must have documented procedures in place for removing any non-UAB software installed on the computers. This practice is not considered a violation of this policy as long as use of the non-UAB software on such UAB computers is directly related to UAB's instruction, research, and service activities.

Proof of Ownership of Software

Computer software purchased by, and/or licensed to, UAB is an institutional resource and, therefore, should be safeguarded and accounted for in the same manner as other UAB resources. All commercial computer software license agreements, records of purchase, and original and back-up disks (or other software distribution media) must be kept by the department/unit in a safe place and must be made available for review or inspection. All license or use agreements for shareware or freeware computer software also must be available for inspection. Likewise, any written authorizations for the use of UAB-owned software on non-UAB computers must be available for inspection.

The following are examples of documents which can be used to show ownership or right to use software:

- A. The dated purchase order, invoice, or sales receipt for purchased software or proof of a site-license agreement covering all copies in use or accessible by users in the department.
- B. The original software distribution media.
- C. The original documentation.

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- D. For software that is bundled with, or preloaded on, computer systems purchased by UAB, an itemized listing of the software on the dated purchase order, invoice, or sales receipt for the computer.

- E. For software downloaded from external networks or acquired from noncommercial sources, a statement indicating the nature of the software (for example, downloadable commercial software, shareware, freeware, or public domain), the use and registration requirements for the software, and proof of registration of the software, when applicable. Acquisition of software universally known to be available free to educational institutions and/or to the general public does not have to be documented. (Note: Examples of statements to document legality of downloaded software include, but are not limited to, receipts for payment of shareware registration, printed copies of e-mail messages if the user is required to e-mail the author, screen prints of the status of freeware or public domain software, etc.) It is recognized that the extent of documentation needed for freeware or public domain software will not be as extensive as for other types of software.

These proofs of purchase/ownership must cover *all* copies in use or accessible by users in the department.

Software License Registration

Registration with the author(s) or vendor(s) of computer software purchased by, or received from, UAB for installation on a UAB computer in connection with one's role at UAB must include UAB or one's department/unit as the licensee.

Applicability

This policy applies to all staff, faculty, students, contractors of services to UAB, and visitors.

Disciplinary Action

A violation of this policy by employees, including faculty, shall result in disciplinary action according to established UAB disciplinary procedures up to, and including, discharge for nonfaculty employees and termination for cause for faculty employees. A violation of this policy by a student constitutes nonacademic misconduct, and the student will be subject to established disciplinary action.

Implementation

The Vice President for Information Technology is responsible for overall procedures to implement this policy. The Executive Director of the UAB University Hospital is responsible for specific procedures to cover implementation in Hospital departments/units.