

3.27.2 Unauthorized Distribution of Copyrighted Material Policy

Part 1. Policy Statement. Central Lakes College (CLC) faculty, staff and students are prohibited from using CLC wired and wireless networks to illegally download or share music, video, and all other copyrighted intellectual property. Central Lakes College follows and supports all relevant copyright laws including (but not limited to) the Higher Education Opportunity Act <http://www.educause.edu/Resources/Browse/HEOA/34600> and the Digital Millennium Copyright Act <http://thomas.loc.gov/cgi-bin/bdquery/z?d105:H.R.2281>. Under these laws, the Central Lakes College administration may be obligated to provide copyright holders with information about users of the CLC network who are alleged to have violated the law.

Illegal forms of downloading and file-sharing as well as the unauthorized distribution of copyrighted materials, including unauthorized peer-to-peer file sharing, are violations of the law and may subject you not only to conduct sanctions from the College but also criminal and civil penalties, including lawsuits against you by copyright holders. Use of Central Lakes Colleges' resources for unauthorized distribution of copyrighted materials is forbidden.

Part 2. Summary of Penalties.

Subpart A. Loss of computer and network access. As part of the provisions of Higher Education Opportunity Act of 2008 (HEOA), the Motion Picture Association of America (MPAA) and member organizations can (and do) send DMCA notices to college network operators that they detect may have a connected computer that is involved with illegal file sharing. Included in this notice is the date and time of the alleged violation, as well as other information that can identify the specific computer. Whenever Central Lakes College receives a DMCA notice officials will attempt to identify the specific computer. If a positive identification is made, CLC immediately block all future access of that computer to CLC networks and the Internet.

Subpart B. Academic Sanctions. In addition to the loss of computer and network access privileges, student violators may also be subject to academic and/or behavioral sanctions in keeping with the CLC Student Code of Conduct.

Subpart C. Civil and Criminal Penalties. Violators may also be subject to severe civil and criminal penalties. The following text is provided by the United States Department of Education describes these penalties:

Summary of Civil and Criminal Penalties for Violation of Federal Copyright Laws

Copyright infringement is the act of exercising, without permission or legal authority, one or more of the exclusive rights granted to the copyright owner under section 106 of the Copyright Act (Title 17 of the United States Code). These rights include the right to reproduce or distribute a copyrighted work. In the file-sharing context, downloading or uploading substantial parts of a copyrighted work without authority constitutes an infringement.

Penalties for copyright infringement include civil and criminal penalties. In general, anyone found liable for civil copyright infringement may be ordered to pay either actual damages or "statutory" damages affixed at not less than \$750 and not more than \$30,000 per work infringed. For "willful" infringement, a

court may award up to \$150,000 per work infringed. A court can, in its discretion, also assess costs and attorneys' fees. For details, see Title 17, United States Code, Sections 504, 505.

Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five years and fines of up to \$250,000 per offense.

For more information, please see the Web site of the U.S. Copyright Office at www.copyright.gov, especially their FAQ's at www.copyright.gov/help/faq.

Part 3. Legal Alternatives. There are many legal alternatives for obtaining music, movies, and copyrighted material. The following is a link to a web site maintained by Educause that lists many such alternatives: <http://www.educause.edu/legalcontent>

Date of policy creation: April 30, 2012
Author: Michael Amick and Scott Streed
Date of Implementation: May 10, 2012

Signature of College President:  Date: May 10, 2012