



ADMINISTRATIVE POLICY

Copyright Infringement Policies and Sanction (Including Computer Use and File Sharing)

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Responsible Officer: Dr. Kevin Beery

Officer Title: Vice President of Academic Affairs

Policy Owner: Director of Information Technology

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POLICY STATEMENT

Copyright Law

Copyright law provides protections to creators of works against the unauthorized duplication and distribution of their works. In exchange for these protections, the public is provided with specific rights for "Fair Use" of copyrighted works. More specifics on copyright law and fair use are available at the following sites:

- The US Copyright Office: <http://www.copyright.gov>
- The Copyright Office's FAQ page: <http://www.copyright.gov/help/faq/>

Copyrighted works that are easily stored in digital form, such as software, music, videos, and photographs, can be easily acquired and distributed over computer networks, using freely available file sharing software. However, despite the ease of such transfers, it is illegal to download, store, and especially to distribute, such copyrighted works without written authorization.

Since such activity is illegal, it is prohibited by general college policy, and covered by the "SANCTIONS FOR POLICY VIOLATIONS" section below. In addition, using VFCC's network or any other form of VFCC's technology resources to copy, store, and/or distribute copyright-infringing material is specifically prohibited. Loss of campus network access may result from continued illegal activity by members of the college community.

Every user is responsible for his or her own compliance with the law. Using the VFCC's network does not in any way shield you from potential law enforcement actions; users who download or distribute copyrighted works may face civil or criminal penalties in addition to sanctions based on college policy.

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

(from the U.S. Dept. of Education)

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 website of the U.S. Copyright Office at www.copyright.gov.

File Sharing Software

Much of the illegal distribution of copyrighted works is done with peer-to-peer (P2P) file sharing software. There are many different peer-to-peer protocols used for sharing, such as BitTorrent and Gnutella, but the primary characteristic of P2P systems is that there is no central server holding the shared files. Instead, every client computer can both download files for local use, and serve files for download by other peers. Thus, if you install peer-to-peer file sharing software, it is your responsibility to assure that it does not illegally serve any copyrighted material on the peer-to-peer network. Since these networks only function if many peers share, the default action of most file sharing packages is to automatically share local files.

P2P file sharing can consume large amounts of network bandwidth. Since bandwidth from our campus to and from the Internet is a scarce and expensive resource, IT attempts to limit the amount of P2P traffic. If you need to download legal material from a P2P source, please contact IT for assistance (support@vfcc.edu).

Legal Sources for Music and Video

There are many on-line sources that give legal access to copyrighted music and video.

- EDUCAUSE, an association of colleges and universities, maintains a list of legal media sources: <http://www.educause.edu/legalcontent>
- The RIAA provides a list of legal music sources: <http://www.whymusicmatters.com>
- The MPAA provides a similar list of video sources: <http://www.mpaa.org/contentprotection/get-movies-tv-shows>

SANCTIONS FOR POLICY VIOLATIONS:

Violation of any provision of this policy may result in:

- Restriction or termination of a system user’s access to VFCC Computer and Network Resources, including the summary suspension of such access, and/or rights pending further disciplinary and/or judicial action;
- The initiation of legal action by VFCC and/or respective federal, state or local law enforcement officials, including but not limited to, criminal prosecution under appropriate federal, state or local laws;
- The requirement of the violator to provide restitution for any improper use of service;
- Disciplinary sanctions, which may include dismissal or expulsion for students.

REASON FOR POLICY

All Institutions Participating in Title IV, HEA Student Financial Aid Programs must have this publication annually available to prospective and current students.

RESPONSIBILITIES

The College's Director of Information Technology will undertake an annual audit to assure the effectiveness of our technical deterrents and our compliance with the requirements of HEOA and that HEA Student Financial Aid Programs pertaining to Copyright and File Sharing.

HISTORY

This policy has no History at this time.

PROCEDURES

This policy has no Procedures at this time.

DEFINITIONS

This policy has no Definitions at this time.

RELATED INFORMATION

This policy has no Related Information at this time.

APPENDICES

This policy has no Appendices at this time.