

Policy No: 817

Area: Information Technology Services

Adopted: 8/6/2012

Handling Copyright Violations Perpetrated via the Campus Network

(Including supporting documentation to comply with the unauthorized distribution of copyrighted materials portions of the Higher Education Opportunity Act of 2008 [HEOA])

Background

In recognition of its mission to further teaching, learning and research and engage in public service, Central State University is committed to fostering an environment that provides for the fair use of copyrighted works to achieve these goals while remaining in compliance with applicable laws. It is the policy of the University to inform and educate faculty, students, and staff regarding federal copyright law, the rights of copyright owners, the legal obligation of the University to comply with applicable law, and the rights of the University community to use copyrighted works.

Furthermore, Usage of Central State University computing resources shall be consistent with local, state, and federal law. It is the policy of Central State University to respect the ownership of all intellectual material protected by copyright laws. Users shall not make or use illegal copies of copyrighted materials, store such copies on University systems, or transmit them over University networks. (Information Technology Policy 805 –Intellectual Property)

The Central State University community understands that information technology has become an integral resource in fulfilling our mission of teaching, learning, research, public service, and administrative responsibilities. The University therefore encourages students, faculty, and staff to acquire computer literacy and technological skill. Computers and networks empower us openly to find, consider, and disseminate information developed at CSU and elsewhere, to communicate and collaborate with others near and far, and to build the technological skills base on which the twenty-first century depends. With this empowerment, however, comes commensurate responsibility. Each of us is obliged to support and abide by the ethical and legal standards that apply to information technology, including rights of authorship, confidentiality, privacy, and dissemination. In doing so, we respect the codes of honesty, integrity, and intellectual freedoms upon which institutions of higher learning rely.

Technology-Based Deterrents

To discourage the unauthorized distribution of copyrighted material over the campus network, Central State University has employed technology-based deterrents; including the use of packet

shaping network gear configured to block peer-to-peer traffic used for illegal downloads. Packet shaper logs are reviewed periodically to determine if adjustments are required. To date, packet shaping has been effective in reducing the number of downloads using known tools for illegal downloading of copyrighted material.

The University will utilize traffic flow control and rate control methods on all residential network connections.

Disclosure and Education

Central State University understands the severity of and widespread attempts to illegally download copyrighted material. The University copyright policy and appropriate use policy both refer to prohibited actions on copyrighted material. Education about prohibited actions with copyrighted material is disseminated annually to incoming freshmen during orientation with a live presentation on technology. The Student Handbook covers many topics including safe computing and respect for copyrighted material. Information about copyright respect is also covered on the University website under topics such as Technology Policies and Safe Computing Practices. In all cases, education includes information about prohibited actions, criminal and civil penalties, and University disciplinary action.

All University account holders acknowledge and agree to abide by University policies related to technology, including policies prohibiting illegal downloading.

Central State University provides pertinent information regarding respect for copyrighted material in orientation sessions, publications, and web pages noted above and via annual emails to the student population.

Investigation and Penalties

Whenever Central State University learns of illegal downloading behavior or unauthorized distribution of copyrighted materials using the University's information technology system (by observing packet shaper logs, by direct notification from a monitoring authority, receipt of a DMCA notice, or by other means), Central State technology engineers immediately trace networks logs (firewall logs, DHCP logs, network switch logs, etc.) to the offending device. Once the offender is identified, the material is compiled and sent to the judicial officer in Office of Student Affairs for further handling and potential disciplinary action in accordance with the Student Code of Conduct and the Student Handbook. If requested, Central State will provide identifying information of the offending user to appropriate authorities. If the investigation leads to a faculty or staff member instead of a student, the information will be further investigated by the Vice President for Information Technology in consultation with the Human Resources department to determine appropriate disciplinary action in accordance with the appropriate use policy, Faculty Handbook, and Personnel Policies and Procedures Manual.

Although most student cases are preferably handled by remediation through education, penalties may be as severe as suspension of or loss of access to University computer resources (including

the campus network), suspension, or expulsion from the University. Recidivism is handled in a commensurately severe manner.

Review of Effectiveness

Periodic reviews of the effectiveness of methods to discourage illegal downloading is accomplished with review of packet shaper statistics, information compiled from active investigations and notifications from monitoring authorities, and results compiled by the University judicial officer. Although recidivism has not yet been noted at this campus, information about repeat offenders will also be reviewed if it occurs. The University is also considering engaging Student Leaders to help assess the effectiveness of anti-piracy measures and education.

Alternatives

The University encourages the legitimate downloading of copyrighted material through recognized channels such as Amazon.com, iTunes, and other known repositories. Campus technology permits downloading from these sources without undue packet shaping restrictions. Students are reminded that up-to-date and comprehensive links to legal download sources are provided by [EDUCAUSE](#), the [Recording Industry Association of America](#), and the [Motion Picture Association of America](#). The University will periodically review the current state of legal alternatives for downloading material and publish that review on the University's website or otherwise distribute that information.

Caveat

Any practices described herein that are found to unduly interfere with the educational and research use of the campus network will be immediately reviewed and revised as necessary.

Sample Annual Notification

In accordance with the Higher Education Opportunity Act of 2008 (HEOA) (Pub. L. 110-315) that added provisions to the Higher Education Act of 1965, Central State University is providing this annual disclosure of information related to the unauthorized distribution of copyrighted materials through illegal downloading or peer-to-peer distribution of intellectual property.

Campus users are reminded that Federal copyright laws (34 CFR 668.43(a)(10)(ii)) apply to many forms of intellectual property including copyrighted music and videos.

Always respect copyright laws! This includes printed and digital material. Do not engage in illicit music, video, or movie downloads. Please be advised that Central State's ITS department will notify the appropriate authorities whenever requests are made by the Recording Industry Association of America or any other legitimate enforcement or monitoring entity. Offenders are also reported to the Office of Student Affairs or Appropriate Vice President for disciplinary action.

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. Unauthorized distribution of copyrighted material, including peer to peer file sharing, may subject a student to civil and criminal penalties.

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.

In addition to civil and criminal penalties, students face disciplinary action in accordance with the Student Code of Conduct and the Student Handbook. University penalties may be as severe as suspension of or loss of access to University computer resources (including the campus network), suspension, or expulsion from the University.

For more information, please see the Web sites of the [U.S. Copyright Office](#), especially their [FAQ's](#), and [Central State University Technology Policies](#).