

Cox College

COLLEGE POLICY

TITLE: Cox College Copyright Policy and Peer-2-Peer (P2P) File Sharing Program

SUBMITTED BY: Director of Compliance and Assurance, 7/18/2018

APPROVED BY: Policy and Compliance Council, 7/19/2018; Leadership Cabinet, 8/7/2018

NEXT REVIEW: 7/2021

PURPOSE: The purpose of this document is to reaffirm that Cox College follows and complies with the *Copyright and CoxHealth* policy and the *Digital Millennium Copyright Act (DMCA)*. The document also outlines the *Cox College Peer-to-Peer Illegal File Sharing Program* as required by H.R 4137, the Higher Education Opportunity Act (HEOA).

POLICY: Federal copyright law requires all members of the Cox College community, including faculty, staff, students, volunteers, and patrons, to respect the proprietary rights of owners of copyrights and refrain from actions that constitute an infringement of copyright or other proprietary rights. Because of advances in technology and ease to copy, transmit, distribute, adapt, display, or perform copyrighted works, individuals must increasingly be aware of various copyright implications when using a wide range of materials and devices. Copyright violations related to printed materials, materials in digital format, audio and video recordings, music, Internet transmissions, computer programs and databases, or any other types of materials create potential legal liability for Cox College and the individuals involved.

Faculty, staff, students, and any third-parties accessing www.coxcollege.edu must also be familiar with and comply with the *Copyright and CoxHealth* policy.

VIOLATIONS: Violation of policy may result in suspension or termination of rights to access to the CoxHealth and Cox College network, discipline in accordance with CoxHealth and Cox College standards, in addition to possible civil and criminal penalties.

Summary of Federal Copyright Laws Civil and Criminal Penalties: 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 responsible 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 for work infringed. For “willful” infringement a court may award up to \$150,000 for work infringed. A court can in its discretion also assess cost and attorney’s fees.

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.

PEER-TO-PEER FILE SHARING PROGRAM (P2P): H.R. 4137, the Higher Education Opportunity Act (HEOA), is a reauthorization of the Higher Education Act of 1965 (HEA), the nation’s primary law with respect to postsecondary education and which authorizes the federal student financial aid programs. It includes provisions that are designed to reduce the illegal uploading and downloading of copyrighted works through peer-to-peer (P2P) file sharing. These provisions include requirements that:

- Institutions make an annual disclosure that informs students that the illegal distribution of copyrighted materials may subject them to criminal and civil penalties and describes the steps that institutions will take to detect and punish illegal distribution of copyrighted materials.
- Institutions certify to the Secretary of Education that they have developed plans to “effectively combat” the unauthorized distribution of copyrighted material.
- Institutions, “to the extent practicable,” offer alternatives to illegal file sharing.
- Institutions identify procedures for periodically reviewing the effectiveness of the plans to combat the unauthorized distribution of copyrighted materials.

This document outlines Cox College’s plan to comply with these requirements.

Annual Disclosure

Consistent with our educational principles, we view education as the most important element in combating illegal sharing of copyrighted materials at Cox College. We use a wide variety of methods to inform our community about the law and Cox College’s response to copyright infringement claims:

- Annually, the following statement will be distributed to all Cox College faculty, staff and students and be posted on the College website:

Cox College complies with the provisions of the Digital Millennium Copyright Act (DMCA). It is illegal, as described in the Federal Copyright Law, and more recently the DMCA, to download, upload, or distribute in any fashion, copyrighted material, in any form without permission or a license to do so from the copyright holder.

- In order to use Cox College and CoxHealth computing resources, members of the college community are required to sign the *CoxHealth Confidentiality & Security Agreement* and abide by the provisions of the *Copyright and CoxHealth Policy*, *CoxHealth Information Security & Privacy Violation Policy*, *CoxHealth Internet Acceptable Use Policy*, and related policies. Members of the College community must follow institutional policies for

appropriate use of technology resources as well as comply with all applicable copyright laws.

- Cox College policies and procedures concerning the Digital Millennium Copyright Act and CoxHealth copyright policy are published online in Policy Manager.
- Posters are mounted in the library, student computer labs and elsewhere to discourage illegal file sharing.
- Information about illegal distribution of copyrighted materials is posted in both the student and faculty portals, College Catalog, Faculty and Staff Handbooks, and in select Canvas courses.
- The Library Online *Journal Article Request* form includes the copyright notice. A copyright disclaimer is also included on every email that has an attached article reprint (whether it was scanned from an in-house print journal or received from another library (Inter-library loan)).

Plans to “Effectively Combat” the Unauthorized Distribution of Copyrighted Material

Cox College partners with CoxHealth to implement technical solutions to combat peer-to-peer (P2P) file sharing on campus. The CoxHealth computer network utilizes a robust internet firewall which classifies and identifies specific categories of potentially malicious sites and attempts to block them. Further, all applications and services that do not have a specific business and/or education necessity are blocked or turned off. Should a member of the campus community need access to a particular site that has been blocked, that site will be reviewed and permission must be granted by network administration.

As outlined in the *Software Acquisition and Acceptable Use Policy*, software purchased and/or provided by Cox College is to be used only for college-related business. Software installation, modification, de-installation or deletion taking place on Cox College Workstations by anyone other than college Information Technology personnel, Si3 staff or Si3 approved personnel is strictly prohibited.

To ensure licensing compliance, Si3 will monitor software licenses and remediate violations of this policy. CoxHealth and Cox College reserves the right to inspect workstations and servers to ensure software license and copyright compliance. The full cooperation of all users is required during audits.

Offering Alternatives to Illegal File Sharing

The Cox College student and faculty portals provide links to sites that provide numerous options for obtaining music, videos, and other digital content in a legal manner. Members of the college community are encouraged to take advantage of these legitimate sources of digital content. In addition, Canvas, the college’s learning management system, comes with a license to FLIKR, an online photo management and sharing application.

Reviewing Effectiveness

Cox College will review this plan for effectiveness and relevance on a regular cycle. The College will use insights from personal conversations with students, frequency of recidivism, and external factors (e.g., developments in P2P software, networking technology, trends in P2P, network traffic analysis, etc.).

Institutional Policies and Disciplinary Procedures

Violation of the Peer-to-Peer File Sharing Policy may result in suspension or termination of one's right to access to the CoxHealth and Cox College network, discipline in accordance with CoxHealth and Cox College standards, in addition to possible civil and criminal penalties listed below.

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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.

Reference: 34 CFR 668.43 (a)(10)

Related Policies: *Copyright and CoxHealth Policy, CoxHealth Information Security & Privacy Violation Policy, CoxHealth Internet Acceptable Use Policy, Cox College Student Code of Conduct*