



**Responsible Department:** Provost and Executive Vice Chancellor

**Recommended By:** Provost and Executive Vice Chancellor, Vice Provost for Faculty Affairs, Vice Chancellor for Information Technology, University Libraries

**Approved By:** Chancellor

**Policy Number**  
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**Effective Date**  
9/\_\_/2023

**I. INTRODUCTION**

- A. University faculty, staff, and students are required to comply with all U.S. copyright laws, including Title 17 U.S. Code, the United States Copyright Act, the Digital Millennium Copyright Act of 1998, and the Technology, Education, and Copyright Harmonization (TEACH) Act 2002.
- B. The Higher Education Opportunity Act (HEOA) requires institutions to take steps to combat the unauthorized distribution of copyrighted materials through illegal downloading or peer-to-peer distribution of intellectual property.

**II. POLICY OVERVIEW**

- A. The University expects and requires all University community members to comply with applicable copyright laws.
- B. University students, faculty, and staff members are responsible for making a good faith determination of whether an intended use falls within specific or fair use exemptions in copyright law. When permission to use copyrighted material is required, that permission must be obtained prior to use of the copyrighted materials.
- C. In order to meet the requirements of the Higher Education Opportunity Act (HEOA) pertaining to peer-to-peer file sharing of copyrighted material, the University will:
  - 1. publish an annual disclosure statement explicitly informing students that unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may subject the students to civil and criminal liabilities;

2. publish a summary of the penalties for violation of Federal copyright laws;
3. publish a description of the University's policies with respect to unauthorized peer-to-peer file sharing, including disciplinary actions that are taken against students who engage in illegal downloading or unauthorized distribution of copyrighted materials using the institution's information technology system;
4. implement technology-based deterrents to reduce the potential for illegal file sharing;
5. offer alternatives to illegal file sharing; and
6. periodically review the effectiveness of technology solutions to prevent illegal file sharing.

### **III. PROCESS OVERVIEW**

#### **A. The Copyright Act, Copyright Protection, and Copyright Infringement**

1. The Copyright Act is a federal law that provides protection in the United States for creative works (termed “original works of authorship”) in the form of copyright. Copyright infringement, which is a violation of the Copyright Act, generally occurs when a copyrighted work is reproduced, distributed, performed, publicly displayed or made into a derivative work without the copyright owner’s permission.
2. Copyright protection arises in original works of authorship that are “fixed in any tangible medium of expression” (e.g., written or typed on paper, stored in a computer, recorded in an audio or video format, etc.). Works of authorship include the following categories: (1) literary works; (2) musical works, including any accompanying words; (3) dramatic works, including any accompanying music; (4) pantomimes and choreographic works; (5) pictorial, graphic, and sculptural works; (6) motion pictures and other audiovisual works; (7) sound recordings; and (8) architectural works.
3. Copyright infringement is a violation of law that carries substantial penalties for the infringer. The general minimum statutory penalty is \$750 per act of infringement. Infringement need not even be willful, but penalties for willful infringement are more severe at up to \$150,000 per act of infringement. Criminal liability and even prison sentences of up to 5 years may be imposed on first time offenders who willfully infringe a copyright “for purposes of commercial advantage or private financial gain.”
4. In addition to being illegal, copyright infringement is a violation of University policy and can result in the imposition of University discipline up to and including dismissal for faculty and staff and expulsion for students.

- B.** The University expects students, staff, and faculty to have a basic understanding of copyright law in order to comply with the law and this Policy.

Various units at the University have developed informational materials on copyright law, including the University Office of Teaching and Learning and the University Libraries (See Section V (Resources) below).

- C. Students with questions about copyright should consult their instructors or department chairs. Faculty with questions about copyright should consult their department chairs or administrator(s) of their unit. Administrators with questions about copyright should consult the Office of Senior Vice Chancellor and General Counsel.
- D. Section 121 of the Copyright Act provides limitations on exclusive rights regarding the reproduction of copyrighted works for people with disabilities. Students, faculty or staff with disabilities or seeking to assist those with disabilities may consult with the University [Disability Services Program](#).
- E. HEOA Compliance – File Sharing and Copyrighted Material
  - 1. Annual Notices and Disclosures  
The University requires every student to read and certify that they agree to comply with the terms of the Student [Honor Code](#). Specific language in the Honor Code dealing with copyrighted material is included in this agreement. The Compliance process for students requires that they agree to the terms of the policy before they are allowed to register for classes.
  - 2. The Provost sends a note to every member of the University community once a year about the risks of sharing copyrighted material and remind them of the fair use provisions of the copyright law.
  - 3. The Division of Information Technology conducts an annual security awareness campaign to remind the community of their obligation to follow the provisions of University Policy 13.10.010-*Use of Computer and Network Systems*, including the provision on copyright infringement.
  - 4. The Division of Institutional Research Analysis maintains a webpage on [Copyright Infringement Policies and Sanctions](#).
- F. Actions Taken Against Persons Found to be Illegally Sharing Files
  - 1. The University will attempt to identify alleged copyright infringers in compliance with the Digital Millennium Copyright Act of 1998.
  - 2. Students that violate this Policy are subject to the removal of their network access and referral to the [Office of Student Rights and Responsibilities](#).
- G. Technology-Based Deterrents Used to Combat Illegal File Sharing

The University uses technology, including next-generation firewalls that identify and block peer to peer sharing applications, to reduce and/or eliminate the practice of illegally sharing copyrighted material. Known vectors used to share

files are blocked from the University network.

**H. Alternative Resources For Sharing Copyrighted Material**

A comprehensive list of legal downloading sites is available from [Educause](#). The University encourages all students to take advantage of these resources.

**I. Plan Effectiveness Review**

The University will continuously evaluate and implement, as necessary, technology-based solutions to combat illegal file sharing.

**IV. DEFINITIONS**

None

**V. RESOURCES**

A. [Higher Education Opportunity Act \(HEOA\)](#)

B. Office of Teaching and Learning – [Using Copyrighted Materials In Canvas](#)

C. University Libraries [BIOL 1260: Research Workshop – Images and Copyright and Fair Use](#)

D. [United States Copyright Office](#).

Revision Effective Date	Purpose