

COPYRIGHT & FAIR USE

Higher Education Opportunity Act Compliance on File Sharing

The Higher Education Opportunity Act (HEOA) includes provisions regarding unauthorized file sharing on campus networks. The Act states that educational institutions must provide information on how they are complying with this requirement.

A committee of faculty and staff addressed copyright fair use and developed various ways to further the education of students, faculty, staff and guests about copyright issues. The committee met to share the issues related to copyright across departments: copyright compliance, downloading, using materials from the internet, etc. in this ever evolving field (legal and technical); Alverno will continue to meet to discuss current concerns and response to requests.

Annual Disclosure

Alverno believes education is the best way to combat the issue of illegally sharing copyrighted materials. Educational methods used at Alverno include:

- All faculty and staff receive a copy of the college Technology Use Policy (<https://catalog.alverno.edu/acadpol/tech/>) when they request a network account. By signing the network request form, they acknowledge they received a copy and agree to abide by the policies. This policy includes a section on copyright compliance and specific wording about file sharing, music and video downloads.
- The Technology Use Policy is part of the Academic Catalog. All students are responsible for knowing and adhering to the policies in the catalog.
- Copyright information is also part of syllabi for all Integrated Communication Seminars and other specific courses.
- Each academic year an article is published in the employee newsletter and in the student newsletter outlining the Copyright Fair Use policy, specifically on copyright infringement, including file-sharing and other illegal activities.
- Library staff actively educates the Alverno community regarding copyright policy. They discuss it during Library orientations for both new students and new employees. Librarians provide informal education as needed. In addition, the Library maintains several LibGuides for students, faculty & staff (http://libguides.alverno.edu/subj_copyright/) specifically addressing copyright information.
- All student group organizations have access to the catalog that includes policies for viewing movies, videos, etc. as part of their organization's activities.
- An educational video is available for all faculty, staff, and students to view regarding peer-to-peer file sharing. Faculty, staff, and students can access the video by clicking on the link. HEOA Video (<http://hml.emp.alverno.edu/Player/1458/>)
- An educational video regarding peer-to-peer file sharing is available on the Res Life Moodle page for students who live on campus to watch and learn the consequences of illegal downloading.

Plans to Effectively Combat the Unauthorized Distribution of Copyrighted Material

Technology Services manages peer-to-peer traffic with bandwidth shaping using Cisco's Quality of Service; they do not filter these applications because some of the traffic is legal. In addition, "top talkers", those who are using large amounts of bandwidth are monitored.

Technology Services has a process for accepting and responding to Digital Millennium Copyright Act (DCMA) notices. Technology Services has a procedure for identifying the user of the computer through login and/or Keyserver logs, via the MAC address that faculty, staff and students provide when they register a personal device on the MyDevices portal or through the Cisco Wireless Control System. *Notification of the offense to the appropriate department is then given. The Department Chair works with Human Resources or the Dean of Students for any appropriate employee/student disciplinary action.*

Unauthorized duplication or transmission of copyrighted or other proprietary content could subject the individual to criminal prosecution as well as personal liability in a civil suit. Alverno does not require, request, or condone unauthorized copying or use of computer software, scanned or digital images and audio or video files by College employees or students. The College will not provide legal defense for individuals who may be accused of making such unauthorized copies of software, music, movies or other types of files and documents even if these individuals maintain such action was taken in the course of their employment by or enrollment at. If the College is sued or fined because of unauthorized copying or use, it may seek payment from the individuals as well as subject them to disciplinary action. Alverno College works with local and Federal agencies during an investigation for possible prosecution.

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 (<http://www.copyright.gov/>), especially their FAQ's at www.copyright.gov/help/faq/ (<http://www.copyright.gov/help/faq/>).

Alternatives to Illegal File Sharing

Alverno offers alternatives to illegal file sharing. iTunes is installed on all campus-owned computers.

For additional legal downloading sites, see Educause's Legal Sources of Online Content Page (<http://www.educause.edu/focus-areas-and-initiatives/policy-and-security/educause-policy/issues-and-positions/intellectual-property/legal-sources-onli/>)

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Copyright and Fair Use Nursing Programs

Copyright and Fair Use (JMSNHP)

POLICY:

JMSNHP students are expected to comply with copyright law, which in part, governs the rights and opportunities of persons and agencies to use and share copyrighted materials. It is illegal to reproduce copyrighted materials without prior permission of the copyright holder, and college students have been successfully prosecuted for copyright violations.

Violation of copyright law constitutes academic misconduct. Therefore, students must obtain permission from copyright holders prior to reproducing protected works (e.g., text, poetry, novels, journal articles, lyrics, sheet music, CD-ROMs, recorded performances, photos, cartoons, drawings, paintings, videos, movies, software codes, charts, diagrams, conceptual/theoretical models or frameworks, and survey instruments etc.) via the Internet or social media, on posters, and in manuscripts intended for dissemination or publication beyond the classroom.

In some cases, under Fair Use Guidelines, copying of copyrighted material for limited purposes such as commentary, review, critical analysis, or parody does not require that prior permission be obtained from the copyright owner. Fair Use Guidelines allow for the use of approximately 10% of the written text or images of a book or information from a web page to be copied for educational coursework. Students can also play excerpts from movies and music in coursework under Fair Use Guidelines.

Much of the material in the Alverno College Library and on the Internet can be used for educational purposes without obtaining prior permission from the copyright holder in accordance with Fair Use Guidelines. Additionally, there may be Library resources available to students that have been paid for by the College. Students are encouraged to regularly visit the College library and webpage for resources and updates.

PROCEDURE:

1. The student consistently upholds copyright law, seeking advice from faculty and/or Alverno College librarians as needed.
2. The student obtains and retains written evidence of prior permission to use and reproduce protected materials from the copyright holder.
3. In the event there is concern that a student has violated copyright law, the course faculty is responsible to investigate the concern and meet with the student to ensure that all pertinent information and circumstances are explored prior to determining whether copyright infringement by the student has occurred.
4. If a violation of copyright law is jeopardizing a student's continuance in a course, the course faculty notifies the student in writing.
5. If the course faculty determines that a student is ineligible to continue in a course as the result of an infringement of copyright law, the course faculty notifies the student in writing. In addition, the faculty may send recommendations regarding the student's progression in their program to the Undergraduate Nursing Admission and Advancement Committee (UGNAA) or Graduate Nursing Admission and Advancement Committee (GNAA).
6. The JMSNHP Academic Misconduct and JMSNHP Professional Behavior policies and procedures are applicable in the case of copyright infringement.