

IT Systems Copyrighted Material Disclosure

H.R 4137, the Higher Education Opportunity Act (HEOA), is a reauthorization of the Higher Education Act. 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 South Hills School plan to comply with these requirements.

What students need to know about Peer-to-Peer File Sharing

The unauthorized distribution of copyrighted material, including through peer-to-peer file sharing, may subject you to criminal and civil penalties. Although using peer-to-peer file sharing technology in itself is not illegal, what you share and how you share it may violate the law. The laws that govern copyright are not specific to any one technology; you can violate the rights of a copyright holder using many different types of technology. Both uploading and downloading of files can pose a violation of the copyright law, and the law applies for songs, videos, games, textbooks, and any other type of creative content.

Before you download anything for free, you should research whether that source (ex. iTunes or Amazon) provides material licensed by the copyright owner. Individuals who violate the copyright law, even unintentionally, by illegally uploading or downloading may be subject to civil **penalties of between \$750 and \$150,000 per song!** These penalties are established by federal law.

Content owners actively monitor file sharing networks and may issue takedown notices to Internet Service Providers requesting that South Hills remove these files or subpoenas requesting that South Hills turn over your contact information for the purpose of filing a lawsuit. Pursuant to state and federal law, South Hills must comply with all valid subpoenas. In the past, pre-litigation settlements offered by copyright owners prior to filing lawsuits against students have ranged from \$3,000 to \$4,000 and up, while juries have issued verdicts against illegal file sharers of hundreds of thousands and even millions of dollars.

Federal law lays out criminal penalties for intentional copyright infringement which can include fines and jail time. It is generally accepted in copyright law that you may rip a CD that YOU purchased onto your own computer in order to load the music onto your MP3 player; however, be aware that this only applies for your own personal use. You may not then distribute that song file to others. Giving your ripped files to anyone on a disc (CD, DVD, or other portable media) is as much a violation of copyright laws as it is using peer-to-peer software to share the file.

In addition to following the law, you must also follow South Hills School’s policy (see below). That policy states that when you use IT services, you agree to respect the legal protection provided by copyright and licensing of programs and data. Respect for copyright and intellectual property is an important aspect of academic integrity.

IT Systems Copyrighted Material Policy

Approved by South Hills School of Business & Technology on October 6, 2010

1. Scope: The purpose of this policy is to articulate the South Hills' position involving any Peer-to-Peer application that promotes copyright infringement or the illegal sharing of copyrighted files without permission of the owner or distributor. This policy applies to all South Hills' students, faculty, and staff, as well as all other users of South Hills computing and network facilities, or those who have contracted for access to such facilities.

2. Policy: Open access to South Hills computing and network facilities is a privilege granted by South Hills to authorized users and may be administratively suspended with or without notice when, in South Hills' judgment, continued use of South Hills resources may interfere with the work of others, place South Hills or others at risk, or violate federal, state or local laws or South Hills policy. No use of illegal Peer-to-Peer file sharing applications shall be allowed on any South Hills computers, shall be used on South Hills networks, or utilize any other South Hills resources. For purposes of this document, Peer-to-Peer applications include file-sharing programs designed to share large files, such as music and movies, among client computers anonymously. Any Peer-to-Peer client must transmit downloaded material unencrypted. Encrypted transmissions will be considered to be in violation of the South Hills' policy and will be blocked from use. Although such applications can be used for legitimate purposes that do not violate copyright laws, they are often used to transmit copyrighted works without the permission of the owner or distributor and they make very heavy use of South Hills' network resources to the possible detriment of others. It is against South Hills' policy to download and/or distribute copyright-protected material.

3. Exception: Peer-to-Peer technologies have many legitimate uses. Exceptions for academic and/or South Hills' business reasons may be authorized only by the IT Department, which shall provide prior written notice of such authorization to the Director of Operations.

4. Sanctions: Accounts and network access may be administratively suspended by South Hills with or without notice when, in the South Hills' judgment, continued use of South Hills' resources may interfere with the work of others, place South Hills or others at risk, or violate South Hills' policy. Any violation of this policy by a student may lead to disciplinary charges under the appropriate student disciplinary policy, which may include expulsion or suspension of student status. Faculty and staff violations will be addressed by their respective disciplinary policies and procedures. All known and/or suspected violations must be reported to the IT Department. Penalties for faculty/staff/student violators may include: Suspension or termination of access to computer and/or network resources; disabling all computer and/or network services; suspension or termination of employment; and/or criminal and/or civil prosecution. Users of South Hills' computing facilities are subject not only to South Hills' policies, but also to applicable local, state, and federal laws.