

## **Grace College Copyright Infringement and File Sharing Policies and Sanctions**

**Policy:** Unauthorized distribution of copyrighted material by students and employees, including unauthorized peer-to-peer file sharing, is a federal violation and subject to criminal penalties. It is also a violation of Grace College's Acceptable Use Policy and subject to disciplinary action.

**Application:** This policy applies to students, faculty, and staff at Grace College and Seminary.

### **What is a Copyright Infringement?**

As a general matter, copyright infringement occurs when a copyrighted work is reproduced, distributed, performed, publicly displayed, or made into a derivative work without the permission of the copyright owner. (<http://www.copyright.gov/help/faq/faq-definitions.html>)

### **Criminal Penalties for Violation of Federal Copyright Laws**

Copyright infringement may also subject an individual to 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 website of the U.S. Copyright Office at [www.copyright.gov](http://www.copyright.gov).

### **Exclusive Property**

All equipment, services, and technologies provided to students and employees as part of Grace College & Seminary's computer system are the exclusive property of Grace Schools and should be used in accordance with the institution's Acceptable Use policies.

### **Acceptable Use Policy**

Acceptable use of computing facilities and network resources includes anything consistent with learning and/or the institution's mission. It is also acceptable to use college-owned resources for routine personal communication with others both on and off campus when not in interference with academic or administrative objectives. While recreational use of computing facilities is not prohibited, all such use is of a low priority; when there is contention for access, recreational use is strongly discouraged.

### **Student and Employee Responsibilities**

Computing and network resources at Grace College are for academic and administrative use; therefore, avoid the use of these resources for private commercial purposes without written permission of the administration.

Abide by the terms of all software licensing agreements. In particular, don't make copies of copyrighted software unless Grace College has a valid license specifically allowing the copying of that software.

Furthermore, site-licensed software should not be distributed to persons other than Grace College employees or students, or used at locations not covered under the terms of the license agreement.

Avoid downloading or copying programs or data files (including music or video files) that are protected by copyright laws and to which you have not secured and/or purchased the right to do so. Educause maintains a list of legal alternatives for obtaining music, videos, and other digital content.

<http://www.educause.edu/focus-areas-and-initiatives/policy-and-security/educause-policy/issues-and-positions/intellectual-property/legal-sources-onli>

As a responsible user of computing and network resources, you should not:

- Share your user account with anyone else.
- Deliberately perform an act which will seriously impact the operation of computers, terminals, peripherals, or network devices. This includes, but is not limited to, tampering with computer hardware or components of a local area network or interfering with the operational readiness of a PC.
- Knowingly run or distribute a program which could result in the eventual damage to a file, computer system, or the network. This is directed towards, but not limited to, the classes of programs known as computer viruses, Trojan horses, and worms.
- Attempt to gain unauthorized access to remote computers, circumvent data protection schemes, or uncover security loopholes.
- Deliberately perform acts which are wasteful of computing resources or which unfairly monopolize resources to the exclusion of others. These acts include, but are not limited to, sending mass mailings (except in the furtherance of activity which is of benefit to the campus community) or chain letters, creating unnecessary multiple jobs or processes, obtaining unnecessary output, or creating unnecessary network traffic.
- Harass others by sending annoying, threatening, libelous, or sexually, racially, or religiously offensive messages. Do not attempt to monitor another user's data communications, or read, copy, change, or delete another user's files or software without the permission of such user.
- Install Grace-owned or licensed software on a personally-owned computer without prior authorization by OIT

### **Disciplinary Action for Policy Violations**

Grace College reserves the right to revoke any account or restrict access to computing or network resources for any reason. Appeals to any sanctions imposed may be addressed through the standard appeals process of Grace College and Seminary.

### ***Students***

Students who violate this policy will be dealt with on a case-by-case basis. Normal measures include:

- First offense: Written warning and temporary suspension of the user's account while the warning is processed and until the student contacts OIT
- Second offense: Immediate one-week suspension of the student's account (regardless of class deadlines) and notification of the Office of Student Affairs

- Third offense: Removal of the student’s account for the duration of the academic year (or times to be determined by OIT) and notification of the Office of Student Affairs
- Offenses will be cleared each academic year.

In cases of computer or network “hacking” where the integrity of computing or network resources may be in jeopardy or where illegal activity is believed to have occurred, the college reserves the right to revoke all user privileges immediately and for as long as deemed necessary. The Office of Student Affairs will be notified of any such revocation.

### ***Employees***

Violations of Copyright Infringement and File Sharing policy or the Acceptable Use policy may result in disciplinary action up to and including discharge according to the policies in the Employee Handbook related to (a) separation from employment and (b) computer usage. The Human Resources Department will be notified of any such revocation.

### **Plans to Effectively Combat Copyright Infringement**

The institution has network controls designed to block illegal file sharing. In the event a student or employee is able to circumvent those controls and is discovered, the individual’s network access will be revoked until the policy remedies have been enforced.

### **Annual disclosure**

This policy is posted continuously on the institution’s Consumer Disclosures web page and is updated annually. (See: <http://www.grace.edu/about/consumer-information>).

Policies regarding acceptable computer usage are also available in the Student, Faculty, and Employee Handbooks, which are updated regularly.

### **Sources for additional information**

US Copyright Office - [www.copyright.gov](http://www.copyright.gov), [www.copyright.gov/help/faq](http://www.copyright.gov/help/faq)  
Morgan Library & Learning Center – [www.grace.edu/resources/library](http://www.grace.edu/resources/library)