

## Policies Concerning Use of Copyrighted Material and File-Sharing

Austin Graduate School of Theology recognizes that there are many beneficial and legitimate uses for file sharing and does not want to block or limit those who need to collaborate with others. However, such technology can provide unrestricted access to copyrighted materials. As such, Austin Grad expects all students, staff, and faculty to appropriately use such material as defined by U.S copyright laws. In addition, Austin Grad has taken the following steps in order to comply with legislation outlined in the re-authorization of the Higher Education Opportunity Act (HEOA). This legislation relates to issues surrounding the appropriate use of copyrighted materials and peer-to-peer (P2P) file-sharing networks. Following are the legislation's three main requirements with a brief explanation of the steps Austin Grad is taking to comply:

*Requirement #1. Make an annual disclosure that informs students that the illegal distribution of copyrighted materials may subject students to criminal and civil penalties and that describes the steps Austin Grad is taking to detect and punish illegal distribution of copyright materials.*

**ACTION:** At the start of each new academic year a notice will be sent to students by email regarding the illegal use of copyrighted materials. It will include a summary of this document and penalties:

- **Summary of current 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 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)*

- **Summary of Austin Grad's policies:**

As with any student violation of state or federal law, such student may be subject to discipline or dismissal following policies published in the Student Handbook under Student Conduct.

*Requirement #2. Implement a plan 'to effectively combat the unauthorized distribution of copyrighted materials' by users of its network, including 'the use of one or more technology-based deterrents': Bandwidth shaping; Traffic monitoring to identify the largest bandwidth users, a vigorous program of accepting and responding to Digital Millennium Copyright Act (DMCA) notices; A variety of commercial products designed to reduce or block illegal file sharing.*

**ACTION:** Austin Grad utilizes a Unix based pfSense firewall/gateway employing captive proxy filtering of some illegal and harmful content as well as bandwidth shaping to prioritize statistically legitimate traffic over potentially harmful or illegal traffic. In addition, Austin Grad will respond to DMCA notices as appropriate to the specific alleged offense. Determination will be made through the Vice President's and Dean of Students' Offices.

*Requirement #3. "To the extent practicable," Austin Grad will offer alternatives to illegal file sharing.*

**ACTION:** While downloading copyrighted material online without purchase or permission from the rightful owner is illegal and not be permitted, there are numerous free and/or affordable online services that provide legal access to popular audio, video and software content. Austin Grad makes the following examples available with the caveat that it does not endorse content or encourage use:

Video: <http://hulu.com>      <http://joost.com>      <http://itunes.com>

Audio: <http://itunes.com>      <http://pandora.com>      <http://radio.aol.com>

Software: <http://versiontracker.com>      <http://macupdate.com>      <http://sourceforge.net>

Austin Grad will annually review these steps and revise as necessary to ensure compliance and effectiveness. Currently this will be completed through the Vice President's office.

*Revised and Approved, Dir.Lib/VP – 8/1/10*