



MTI COLLEGE

Unauthorized Distribution of Copyrighted Materials Including Peer-to-Peer File Sharing Campuswide

Policy:

The Higher Education Opportunity Act of 2008 (HEOA) requires institutions of higher education to combat the unauthorized distribution of copyrighted materials by users of the institution's network. In accordance with MTI College's (MTI) efforts to meet the requirements of the HEOA, students and employees are expected to respect and comply with federal copyright and licensing laws, particularly while on the MTI campus. This includes the illegal or unauthorized copy or use of any software, images, music, or other intellectual property such as books or videos.

Under copyright law, it is illegal to download or share copyrighted materials without the permission of the copyright owner. In support of this law, illegal or unauthorized distribution of copyright-protected materials, including unauthorized peer-to-peer file sharing is prohibited on the MTI campus. Peer-to-peer file sharing is the ability to download a computer file by accessing more than one computer at a time. Downloading parts of a file from many different computers on the internet generally allows a user to obtain a file in a shorter period of time than it would take to get the same file from a single location.

While on the MTI campus, an individual's actions when downloading or sharing files using the MTI network are traceable. Students or employees engaging in illegal or unauthorized downloading or use of copyrighted materials using the MTI network, including unauthorized peer-to-peer file sharing, will be subject to disciplinary action including warning, probation, suspension of accounts, and dismissal or termination from the college depending upon the nature and severity of the violation. Violators may also be subject to civil or criminal legal action.

Summary of Civil and Criminal Penalties for Violation of Federal Copyright Laws

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.

Students and employees are encouraged to make use of legal alternatives for downloading or otherwise obtaining copyrighted materials. Such alternatives may include:

- YouTube
- Netflix
- Hulu
- Textbook publishers
- Sacramento County Library (saclib.org)
- EDUCAUSE – “a nonprofit association whose mission is to advance higher education by promoting the intelligent use of information technology” (www.educause.edu/) – maintains an extensive list of Legal Sources of Online Content at www.educause.edu/legalcontent.

For assistance, students and employees are encouraged to visit the Learning Resource Center (LRC) or contact the Technical Services Department (TSD).