

Granite State College Peer to Peer (P2P) Compliance Document

ILLEGAL FILE SHARING OF COPYRIGHTED MATERIALS 10/21//2010

Granite State College takes copyright violations very seriously and has developed policies to combat the illegal use of copyrighted materials. This is an outline of the plan in place to combat unauthorized use of copyrighted materials.

The Higher Education Opportunity Act (HEOA) includes provisions to reduce the illegal uploading and downloading of copyrighted materials through peer-to-peer (P2P) file sharing. These provisions require 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 sanction illegal distribution of copyrighted materials.
- Institutions certify to the US Secretary of Education that they have developed plans to “effectively combat” the unauthorized distribution of copyrighted materials including “the use of one or more technology-based deterrents”.
- Institutions offer alternatives to illegal file sharing to the extent practical.
- Institutions identify procedures for periodically reviewing the effectiveness of the plans to combat the unauthorized distribution of copyrighted materials.

Granite State College does not have any residential facilities for students, faculty or staff but does employ the following methods to address the above requirements:

- Maintains an Acceptable Use Policy For Information Technology. This policy is posted on the GSC Web site and MyGranite Portal <http://www.granite.edu/library/pdf/current-students/policies-and-procedures/ComputerNetworkPolicy.pdf>. Students are asked to read and acknowledge this policy when they receive their computer accounts. The policy explicitly identifies “infringing copyrights “as “Prohibited Use.”
- Posts “GSC Guidelines for the use of Computers in Labs, Classrooms and in Academic Resource or Other Public Areas.” These guidelines include the following, “Copying Software and/or Distributing Music or Video Files is illegal by federal copyright law unless there is written permission by the owner. This written permission may be requested by GSC’s Office of Educational Technology and Computing
- Annually distributes a student “Rights and Responsibilities Guide which contains the complete Acceptable Computer and Network Usage policy, and the College’s Copyright Policy and Procedures. The policy states, “Granite State College does not condone copyright infringement by faculty, administrators, staff, employees or students. Each individual is solely responsible for obtaining permission from copyright holders to duplicate, or in any way, reproduce, in part or whole, materials held under copyright.

The College encourages students, faculty, and staff to download and share files from legal sources only.

Granite State College works closely with the University System of New Hampshire Telecommunications Office to review and assess the effectiveness of bandwidth monitoring systems. Any abnormalities are reported to the Network Manager and/or the Director of Information Technology for review and appropriate action. GSC also is an active participant in the University System of New Hampshire’s Tech-Tel committee which shares information regarding best practices for combating unauthorized sharing of copyrighted material.

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

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, especially their FAQ's at www.copyright.gov/help/faq.