

Copyright Policy

I. Overview and Purpose

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. The information presented in this policy is intended to meet the requirements of the HEOA as specified in the final regulations published by the United States Department of Education on October 29, 2009, in 74 FR 55902; and in the Dear Colleague Letter dated June 4, 2010 (DCL ID: GEN-10-08)

The regulations mandate "that an institution must have developed and implemented written plans to effectively combat unauthorized copyrighted material and that the institution will offer alternatives to illegal downloading or peer-to-peer distribution of intellectual property."

II. Policy

Galen College of Nursing provides Internet access for students as part of the physical and social learning infrastructure as well as develops and maintains computer networks, and a variety of related support systems. While personal use of Galen Internet access through Galen-owned computers or Galen wireless networks is permitted, students should be aware that abuse of Galen Internet resources can carry severe consequences. All existing federal and state laws and internal policies apply, including those not only specific to computers and networks, but also those that prohibit the misuse, theft, or vandalism that applies to software, data and physical equipment.

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.

File sharing, through popular peer-to-peer (P2P) networks, or the direct download of copyrighted works can be used in legal and enriching ways; however, these services can also be utilized to obtain and share content to which users have no legal right. United States copyright law protects the creators of this content (often the media of music and film) against infringement by providing severe penalties in cases of copyright violation. Galen students who engage in unauthorized distribution of copyrighted material, through downloading and sharing, are subject to the full extent of U.S. copyright law; including both civil and criminal penalties.



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Summary of Penalties

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.

In addition to civil penalties, Galen students who abuse school-provided network resources will be subject to internal policy actions.

- First offense: letter of warning, advising the student that s/he is in violation of Galen network policy
- Second offense: suspension from the use of Galen network resources, including library resources, for an appropriate length of time
- Third offense: dismissal

Notice

This information is provided for the benefit of students in order to create greater awareness of the potential consequences of illegally downloading and/or distributing copyrighted works. Galen College of Nursing assumes no liability for misuse of Galen Internet resources; as such, students who choose to violate United States copyright law by utilizing Galen Internet resources will be solely liable for their actions.

For more information, please see the Web site of the U.S. Copyright Office at www.copyright.gov, especially the FAQs at www.copyright.gov/help/faq.



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III. Conclusion

Under 34 CFR 668.14(b)(30), an institution, as a condition of participation in any Title IV, HEA program, must have developed and implemented written plans to effectively combat the unauthorized distribution of copyrighted material by users of the institution's network without unduly interfering with the educational and research use of the network. As such, Galen's plan includes:

- At least one or more technology-based tool to deter copyright infringement.
- Mechanisms for educating and informing the community about appropriate use versus inappropriate use of copyrighted material.
- Procedures for handling unauthorized distribution of copyrighted material.
- Procedures for periodically reviewing the effectiveness of the plan to combat unauthorized distribution of copyrighted materials by users of the institution's network using relevant assessment criteria.

Galen College of Nursing's copyright infringement policy has been provided for the purpose of student wellbeing, but is not intended as a substitute for legal advice. **Should you have questions or concerns regarding Galen's policy, contact the Director of Regulatory Affairs and Compliance at (502) 410-6233.**

Cross Reference:

DCL GEN-10-08, 34 CFR 668.43(a) (10), 668.41(c), Title 17 United States Code § 106, 504 505

