

# Illegal File Sharing Information for Students and Employees

In order to comply with the Higher Education Opportunity Act of 2008 (HEOA), Murray State College has been implementing the mandate to act on the required preventative and punitive policies that were added provisions to the Higher Education Act of 1965 to combat the illegal downloading of music, movies, games, and other copyright protected media. The following is the definition of copyright infringement.

*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.*

## **Procedures for handling unauthorized distribution:**

If anyone is found to be unlawfully distributing or downloading copy written materials while connected to the Murray State College network, the student's privileged access to the campus network may be temporarily or permanently revoked. The office of Student Affairs will be notified of the possible violation, and a determination made at that time if a copyright violation has occurred. If an infringement of copyright has occurred the following actions will occur:

- **First Notice of Violation**

Student will be contacted by the office of Student Affairs. Network privileges will be revoked for two days, and student will sign document describing what constitutes copyright infringement, and agreeing to discontinue illegal downloads.

- **Second Notice of Violation**

Student will be contacted by the office of Student Affairs. Network privileges will be immediately revoked for one week. The student will sign a document that states that the student understands copyright issues and the ramifications of further violations.

- **Third Notice of Violation**

Student will be contacted by the office of Student Affairs. Network privileges will be immediately revoked for the remainder of the semester. Student Affairs will decide on permanent termination of network access, probation, suspension, or possible expulsion.

## **Penalties for Violating Copyright**

In taking advantage of any of the exclusive rights provided to the copyright holder without hi/her permission, you may be violating or infringing on their rights under the Copyright Act.

If the copyright holder has registered the infringed work with the U.S. Copyright Office prior to the infraction, the copyright holder may be entitled to compensation for his or her loss.

Student may be liable for legal damages for \$750, and not more than \$30,000 per work infringed. If a student is found to have willfully committed copyright infringement, it may result in criminal prosecution with up to five years in prison and fines up to \$250,000 per offense.

Murray State College provides an alternative to illegal file sharing sites with the following link: <http://www.educause.edu/legalcontent>. The link provides students and staff access to music, movies, TV, and other legally available copy written materials.

Questions may be referred to the Murray State College Information Technology Department. Contact information can be found on the institution website.