

COLLEGE OF SOUTHERN NEVADA

PLAN TO COMBAT THE UNAUTHORIZED DISTRIBUTION OF COPYRIGHTED MATERIAL

The College of Southern Nevada (CSN) is committed to assisting its faculty, staff and students to comply with copyright laws and procedures. 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). In the file sharing context, downloading or uploading substantial parts of a copyrighted work without authority constitutes an infringement (this includes material posted on the internet in violation of the copyright laws). The unauthorized distribution of copyrighted material, including peer-to-peer file sharing, may subject the unauthorized user to civil and criminal liabilities. Nationally, much effort has been made to implement practices and procedures that will combat the unauthorized use or distribution of copyrighted material. Users of CSN's resources including its network, internet facilities, etc., must exercise personal responsibility to ensure compliance with copyright requirements.

CSN has adopted the Information Systems and Electronic Resources Acceptable Use Policy (AUP) which, in relevant part to the issue of copyright, provides:

- Information technology systems and electronic resources are provided to the members of the CSN community with the understanding that they will use them with mutual respect, cooperation and collaboration and in compliance with all applicable policies, laws, and regulations.
- (Users of CSN's electronic resources) must understand that laws currently exist that prohibit the ...unauthorized use of, providing or copying of protected intellectual or copyrighted property.
- CSN and users of its (electronic systems) must comply with the copyright protection given by international agreements and federal law to owners of software and intellectual property under the U.S. copyright laws... Users of the system must ensure that the bounds of permissible copying under the fair use doctrine are not exceeded (i.e., a back-up copy may be made). It is against the law to copy or reproduce any licensed software or intellectual property, or to download from the Internet any copyrighted material including fonts, music, and videos without permission of the copyright holder... No one may use software that has been obtained illegally on the CSN Systems or on personal equipment used at CSN.

Violation of the AUP, can in addition to civil and criminal penalties, subject the violator to disciplinary proceedings as set out in the Nevada System of Higher Education Code (this can be accessed at www.nevada.edu). The full version of the AUP can be accessed from the CSN home-page by clicking under Quick Links: "Policies & Procedures".

In order to support our college community in complying with copyright laws, regulations, and policies, and to proactively combat the unauthorized use, sharing or distribution of copyrighted material, CSN will undertake the following initiatives:

1. Educate and inform the CSN community regarding copyright law and proper protocols;
2. Implement the following technology-based deterrents;
3. Issue annually and more frequently, as required, the reminder of the prohibition of copyright violation and the exposure to civil, criminal and CSN discipline penalties if violations of copyright laws, regulations or policies occur;
4. Issue periodically information regarding the legal alternatives for downloading or otherwise acquiring or using copyrighted material; this will occur also as part of initiative no. 1, above.

It is important to note that CSN's mission overall is to teach and provide a broad spectrum of education opportunities in the physical classroom and on-line. Also, CSN students perform research and investigation through on-line resources. These tools and mechanisms are an important part of the educational process. It is also important to note that there are substantial and meaningful opportunities to use copyrighted works in the higher education setting. This allows lawful use of materials and respects the copyrighted works of the creator, drafter, or author of those works. Even a rudimentary understanding of the requirements of copyright, and the available avenues for their use, will allow substantial opportunity to lawfully access many materials. Disregarding copyright requirements is neither consistent with the obligations of a CSN community member, nor is it necessary.

CSN's Initiatives

1. Educate and inform the CSN community regarding copyright law and proper protocols

Education is the key to copyright law compliance. Or, stated even more simply, learning the basics of how to use copyrighted materials properly will allow you to lawfully take advantage of these materials. Particularly at a state-owned, not-for-profit college, there are multiple lawful ways to use copyrighted resources that will make teaching and learning more effective. Again, the key is simply to understand the requirements and how to open up these opportunities.

This education process is not difficult, and is not overly time consuming; a small investment of time will provide a person relatively quickly with the necessary information to make correct and lawful judgments on what can be used, how it can be used, and ways to explore opportunities that perhaps have not been considered. The responsibility to educate oneself about the basics of using copyrighted material is placed on the individual user: the instructor, the student, and the support personnel.

The responsibility to provide the basic information about copyright compliance or to direct where it can be obtained will be borne primarily by CSN. CSN will provide the following avenues for learning the basics of copyright compliance:

a) the Center for Academic & Professional Excellence (CAPE) will periodically provide at convocation training sessions, training on the basics of copyright law compliance. These sessions are open to all faculty (full-time and part-time) and staff.

b) CAPE will offer periodically to faculty, staff and students, special programs that instruct in the basics of copyright law. For example, during the week of April 12, 2010, CAPE arranged for a Copyright Webinar put on by knowledgeable higher education professionals.

i) CAPE has a DVD of the Webinar which anyone can view, and

ii) the handouts are also available for review by contact the CAPE office or the Office of General Counsel

c) many colleges and universities have prepared web-based primers, and welcome all to access their materials to learn the basics. Three links to good instructional materials are:

<http://counsel.cua.edu/copyright/resources/guidelines/>

<http://copyright.lib.utexas.edu/copypol2.html>

<http://library.duke.edu/about/depts/scholcomm/copyright-and-fair-use.pdf>

d) CSN has an intellectual property committee which is tasked to lead-out on policies and other high-level discussion of intellectual property matters. This committee is not an enforcement arm and is not tasked with any day-to-day compliance, but it is a forum where ideas for easier access, college-wide opportunities, etc. can be addressed.

e) CSN general counsel are available to answer any specific question should your educational process not provide an answer.

2. Implement the following technology-based deterrents

CSN employs within its informational technology system two (2) protocols to discourage inappropriate use of copyrighted materials:

a) bandwidth shaping, and

b) internet traffic monitoring and/or web filtering system

3. Issue annually and more frequently, as required, the reminder of the prohibition of copyright violation and the exposure to civil, criminal and CSN discipline penalties if violations of copyright laws, regulations or policies occur

CSN general counsel will generally be responsible to use a proper medium and forum to make the annual reminder, and the parameters of this Plan.

CSN's Library Services will post at copy machines a notice regarding the prohibition to copy copyrighted materials.

CSN's Office of Technology Services will seek out opportunities to install 'pop-up' reminder messages that can appear at appropriate times and locations on the system's electronic resources regarding the prohibition to copy copyrighted materials.

4. Issue periodically information regarding the legal alternatives for downloading or otherwise acquiring or using copyrighted material; this will occur also as part of initiative no. 1, above.

CAPE will generally be responsible to look for opportunities to provide updated information regarding the legal alternatives for downloading or otherwise acquiring or using copyrighted material.

Summary of Civil & 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 attorney's fees. For additional details, please refer to 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/hel/faq.

Dated this 1st day of June, 2010

College of Southern Nevada
Office of General Counsel