

# Copyright Infringement Institutional Policies and Penalties

Unauthorized distribution of copyrighted material, including peer-to-peer file sharing, may subject a student to civil and criminal liabilities. A summary of the penalties for violation of Federal copyright laws is listed below.

Furthermore, students all students at Francis Tuttle Technology Center must complete an Acceptable Use Agreement that explains the institutional policies related to Internet use, including unauthorized peer-to-peer file sharing. Use of the District's networks, computers, software, and the Internet ("computer facilities") by Francis Tuttle students/customers must only be in support of educational objectives and/or educational research.

## ***Unacceptable Use for Francis Tuttle Students/Customers***

Unacceptable use of the Internet includes sending or receiving any material in violation of any federal, state, or local regulations. This includes, but is not limited to, copyrighted material, threatening material, obscene material, pornographic material, and/or material protected by trade secret. Students may not use the Internet to advertise products or promote political points of view. Deliberate attempts to vandalize, damage, disable or disrupt the property of the District, another individual, organization, or the network.

Students who violate the policies in the Acceptable Use Agreement will be subject to disciplinary action, up to and including suspension/dismissal from the institution.

The following activities involving use of Computer Facilities are expressly prohibited at Francis Tuttle:

### ***Security***

You may not:

- Initiate unauthorized transmissions of District owned information.
- Use another person's User IDs or passwords.
- Use another person's files, system or data without permission
- Communicate any information concerning any password, identifying code, personal identification number or other confidential information without the permission of its owner or the controlling authority of the Computer Facility to which it belongs.
- Use computer programs to decode passwords or access control information.
- Attempt to circumvent or subvert system security measures.
- Execute any form of network monitoring which will intercept data not intended for the student.

- Create, modify, execute or retransmit any computer program or instructions intended to gain unauthorized access to, or make unauthorized use of, a Computer Facility, Software or Licensed Software.
- Use Francis Tuttle systems for personal gain, for example, by performing work for profit in a manner not authorized by the District.

Students who have been identified as a security risk or having a history of generating computer-related problems may be denied access to the Internet.

### *Copyright*

Software provided by Francis Tuttle is provided for a student's personal use on a single computer at a time solely for the purpose of participating in a course of study. Title to the Software (including intellectual property rights in the Software) is not transferred to the student.

You may not

- Transmit or receive copyrighted materials (software, music, movies, etc.) not legally obtained.
- Make unauthorized copies of copyrighted materials, such as licensed software, music, movies, etc.
- Remove any proprietary markings, or distribute, copy, modify, make derivative works of, adapt, translate, decompile, reverse engineer or provide anybody else with access to the Software.

At the end of this document, you will find a summary of civil and criminal penalties for violation of Federal copyright laws.

### *Email*

Sending and receiving e-mail messages can only be done when it relates to their plan of study or when students are engaged in academic study or research. E-Mail is not guaranteed to be private.

### *Appropriate Content*

You may not:

- Transmit information, which contains obscene, indecent, or lewd material or other material, which explicitly or implicitly refers to sexual conduct.
- Use mail or messaging services to harass, intimidate, or otherwise annoy another person, for example, by broadcasting unsolicited messages or sending unwanted mail.

### *Appropriate Language*

Swearing, the use of vulgarities, or other inappropriate language will not be tolerated.

### *Network Disruption*

Students must not use the Internet in a manner that is disruptive to others or that interferes with the operation of Francis Tuttle's network or any other institution's

network. This includes, but is not limited to, uploading or creating computer viruses and any attempt to harm or destroy hardware and/or data of another user.

You may not:

- Effect security breaches or disruptions of network communication. Security breaches include, but are not limited to, accessing data to which the employee/student is not an intended recipient or logging into a server or account that the employee/student is not expressly authorized to access. For purposes of this section, "disruption" includes, but is not limited to, network sniffing, ping floods, packet spoofing, denial of service, and forged routing information for malicious purposes.
- Engage in any activity that might be harmful to systems or to any information stored thereon, such as creating or propagating viruses, disrupting services, or damaging files.
- Create, modify, execute or retransmit any computer program or instructions intended to obscure the true identity of the sender of electronic mail or electronic messages, collectively referred to as "Messages," including, but not limited to, forgery of messages and/or alteration of system and/or user data used to identify the sender of messages.
- Initiate port scanning or security scanning without written permission from the Chief Technology Officer.

*Illegal activities are strictly forbidden.*

### **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](http://www.copyright.gov), especially their FAQ's at [www.copyright.gov/help/faq](http://www.copyright.gov/help/faq).

