

CAMPUS NETWORK AND INTERNET USAGE

POLICIES AND GUIDELINES

Section A: Usage Policies

1. Any use of College telecommunication or networking services for illegal, unethical, inappropriate, or obscene purposes, or in support of such activities, shall be prohibited. Illegal activities shall be defined as a violation of the College's mission, goals, policies, or procedures.
2. Through electronic means or otherwise, network users shall not violate the conditions of the Education Code dealing with a student's right to privacy.
3. U.S. copyright law (Title 17, U.S. Code) prohibits the unauthorized reproduction or distribution of copyrighted materials, except as permitted by the principle of fair use. The Digital Millennium Copyright Act (DMCA) and Peer-To-Peer File Sharing Policy expressly prohibits the copying and distribution of copyrighted electronic materials (including music, games, electronic mail, text, images, software or data) without the explicit permission of the copyright holder, except as permitted by the principle of fair use. Any responsibility for the consequences of copyright infringement lies with the user. The College expressly disclaims any liability or responsibility resulting from such use.

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.

Additional examples of unacceptable use of the Wallace Community College Selma network and Internet connection include, but are not limited to, the following:

- X Libeling or slandering other users;
- X Malicious destruction or damage to equipment, software, or data including the willful and spreading of computer viruses;
- X Disruption or unauthorized monitoring of electronic communications;
- X Plagiarism or violation of copyrights or trademarks;
- X Downloading, viewing, or printing of pornographic material;
- X Commercial gain or private profit.

Section B: General Guidelines

In addition to complying with College network/Internet policies, users are expected to adhere to the policies and procedures established by other networks and facilities not owned by the College but which are accessed or traversed while using the Internet. Internet connections and computing resources provided by the College must not be used knowingly to violate the laws and regulations of the United States or any other nation, or the laws and regulations of any state, city, province, or other local jurisdiction in any material way. In addition, the College reserves the right to monitor, under appropriate conditions, the use of computer resources to protect the integrity of the system and to ensure compliance with regulations. In addition, the following should be taken into consideration:

1. Users of the Wallace Community College Selma network and Internet connections should be aware that non-business or non-College related software downloaded from the Internet may affect a workstation's performance through the random changing system settings thus affecting system and network performance. In addition, the downloading and installation of non-authorized software may render a workstation unusable, and loss of valuable data may occur.
2. All users should observe proper NET etiquette. Be polite in all communications. Do not send messages that are abusive or contain swearing or vulgarity. Sending a message in CAPITAL letters is considered shouting at the reader.
3. The Internet is not a secure environment. Users should take precautionary measures before making personal identification or information available over the Internet. In addition, the College is not responsible for any and all claims, losses, damages, obligations, or liabilities directly or indirectly relating to the use of the Internet or caused thereby or arising therefrom.

Section C: Commonly Asked Questions

How does the Digital Millennium Copyright Act (DMCA) affect me?

The distribution of copyrighted material from your computer, including music, games, and videos, for which you do not have the owner's permission is a violation of federal law (DMCA) and college policy. A purpose of copyright law, including the DMCA, is to encourage creative work by giving creators exclusive rights (with some limits) to distribute their products.

What do I need to know about downloading music, videos, games, and other media?

In April, 2003, four college students paid fines ranging from \$12,000-\$17,500 in a settlement of a file-sharing suit brought by the Recording Industry Association of America (RIAA). The RIAA complained that the students were illegally distributing copyrighted music, sharing thousands of copyrighted MP3 music files.

Downloading files puts you at risk personally if you are found to possess copyrighted material that you have not obtained legally. It may also result in harm to your system if you download a malicious computer program disguised as a movie or other media. The widespread use of file-sharing programs to download and distribute media for recreational purposes has generated a high volume of network traffic and damaged the performance of other applications used for college work. To preserve bandwidth, the college uses a technique called "bandwidth shaping" to limit network traffic for specific peer-to-peer programs.

If you are using a peer-to-peer (P2P) file-sharing program¹ or have set up an ftp server, make sure that you are not "serving" copyright-protected materials to the world. If the College is notified by policing organizations such as the RIAA, MPAA, or their agents² that you are serving copyright-protected materials from your computer, you will be requested to appear at College's Discipline Office to discuss the complaint. Failure to appear could result in deactivation of your college privileges.

Is it ok to use a peer-to-peer service legally to download files that aren't protected by copyright?

Many music, games, and videos downloaded through file-sharing programs fall into the category of copyright infringement. That is, the users downloading the files do not have the permission of the copyright owner. In addition, peer-to-peer file-sharing programs do not determine whether requests for media files are requests for copyright-licensed or freely-sharable materials. This means that if you copy music to your computer from a CD you purchased and are signed on to a peer-to-peer service with file-sharing enabled; you are making the copyrighted music you purchased available to others. YOU are distributing copyrighted material and the copyright owner can hold you liable for a copyright violation.

Copyright owners frequently hire agents to scan college networks for copyrighted materials that are available to others from computer systems on the college network. The College receives many notices from these organizations alleging copyright infringement. They focus on college campuses because of the high level of file-sharing activity. The DMCA makes Internet Service Providers (ISPs) liable if they do not act to ensure removal of infringing materials when they receive notice of copyright infringement. The college is an ISP for many at the college who use campus network services.

The DMCA provides procedures that may be used by ISPs in dealing with claims of copyright infringement. A member of the college community learns that s/he has been named in a notice of copyright infringement when the college IT account access is denied. The deactivation message contains instructions to contact the campus Discipline Officer to discuss the copyright infringement. Access to a college account is reinstated after the meeting with the college Discipline Officer has taken place and the allegedly infringing material has been removed. The college is sensitive to the academic calendar and academic deadlines of the campus

¹ Popular file-sharing programs include KaZaA, LimeWire, Gnutella, Grokster, and Morpheus.

² Many media companies have designated policing organizations and agents to pursue DMCA violations. These include the Recording Industry Association of America (RIAA), the Motion Picture Association of America (MPAA), and others.

community, realizing the impact to academic work that results from deactivating accounts in response to copyright infringement notices.

Does the DMCA make the use of peer-to-peer services illegal?

It is not against the law or campus policies to use peer-to-peer file-sharing programs or to swap materials that are not copyright-protected. It is against the rules to download and/or distribute copyright-protected material. If you are using a peer-to-peer file-sharing program, make sure that you are not "serving" copyright-protected materials to the world.

Most file-sharing programs have worldwide file sharing turned on by default when they are installed. If you have copyright-protected materials on your computer, you need to disable file sharing so that the programs are no longer serving these materials from your computer. There are other good reasons to disable file sharing. File-sharing sites often covertly package Spyware software that gathers personal information without your knowledge. This means that you may be giving hackers access to your personal files and programs when you use file-sharing services. As stated above, the college network staff restricts P2P traffic to preserve bandwidth for college work.

I don't like the DMCA: what can I do?

There is a great deal of debate about the DMCA and copyright law in the digital age. If you disagree with the law, learn more about it and become involved in trying to change the law. A Digital Media Consumers' Rights Act was re-introduced in Congress in January, 2003. This act would make "fair use" exceptions to the DMCA. Supporters of this act include Intel, Verizon, Philips Electronics North America Corporation, Sun Microsystems, Gateway, the Consumer Electronics Association, Computer and Communications Industry Association, the Association for Computing Machinery, the Computer Research Association, and a variety of trade associations representing technology companies, the American Library Association, the American Association of Universities, the National Humanities Alliance, the Digital Future Coalition, the Consumers Union, the Home Recording Rights Coalition, the Electronic Frontier Foundation, Public Knowledge, the National Writers Union, and other organizations representing the public interest and the consumers of digital media.

What are the consequences of sharing copyrighted materials?

Copyright infringement constitutes a violation of college policy and may create potential liability for both civil and criminal actions.