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Section 1.**A. Name**

The formal name of this policy is Copyright Infringement Supplement to the Policy on the Acceptable Use of Information Technology Resources. This policy may be commonly referred to as the Acceptable Use Policy Copyright Supplement.

B. Status of This Policy

1. Draft.
2. Public Review and Comment Period.
3. Redraft.
4. Committee Review and Comment.
5. Accepted. **This policy is a legacy policy from August 2004.**

C. Scope and Purpose.

This serves as an addendum to the Policy on the Acceptable Use of Information Technology Resources.

D. Spirit and Intent

NA

Section 2. Definitions.

NA

Section 3. Policy.

The College Acceptable Use Policy states that the receipt of, possession of, or distribution of copyrighted material without the permission of the copyright holder is prohibited. You should also know that such acts are a violation of the laws of the United States (title 17, U.S. Code). Violators of copyright law could be subject to felony charges in state or federal court, and may also be sued by the copyright holder in civil court. Such civil suits could subject the violator to liability for infringement with damages up to \$100,000 per work.

Current technology easily allows your personal computer to duplicate and distribute copyrighted video images, audio recordings and other digital materials. Unfortunately this makes it is easy for you to violate College policy and US copyright law. For this reason you should know the use of popular and freely distributed file sharing programs such as BitTorrent, KaZaA, Gnutella (Morpheus, LimeWire, Gnucleus, Bearshare), Aimster, iMesh, and many other programs to download copyrighted music and video material, in almost every case, places you in violation of College policy and US law.

Most of these programs by default allow Internet users to copy files from your computer. Most programs don't alert you in advance or even ask your permission before turning your computer into an Internet file server. Some of these programs also install hidden components that allow file sharing to run in the background on your computer. As a result, whenever your computer is turned on the file sharing application is also enabled, even if you don't open the application or actively use the program. This places you at great risk of violating College policy and copyright law by becoming an unlawful distributor of copyrighted material. For example, what you may believe to be a single one-time policy violation consisting of downloading a single track of music from a popular CD is actually an around-the-clock violation of College policy and copyright law because anytime your computer is turned on it is publicly announcing to the Internet (perhaps unknowingly to you) that the single music track you previously downloaded is now available on your computer for distribution via the Haverford College network. Because the College has a reliable and large capacity connection to the Internet and because these file sharing programs favor computers connected to fast reliable networks, thousands of other Internet users flock to your computer to download your file.

You should know the computer center staff does not monitor computer use on the College network to look for copyright violations; however, in the process of investigating network congestion or troubleshooting technical problems, they may become aware of policy violations. In such cases IITS will report these violations to the appropriate Director.

You should also be acutely aware that law enforcement agencies, the Recording Industry Association of America (RIAA), and other copyright holders of digital media are actively monitoring the Internet for users who are actively distributing copyrighted material. The recording, film and software industries have recently become very aggressive in their active pursuit of copyright infringement. They have spent millions of dollars, and they have hired hi-tech firms to develop and maintain software which is able to search the Internet and identify unauthorized distribution of their protected titles. This active monitoring is specifically designed to search for distribution of materials using the most commonly used software packages including KaZaA, Gnutella (Morpheus, LimeWire, Gnucleus, Bearshare), Aimster, iMesh, as well as many others.

During a one-year period, Haverford College received in excess of 50 formal complaints from legal authorities representing copyright holders stating that computers on the College network were involved in the unlawful distribution of copyrighted materials. The computer center was able to confirm these reports, and each case was easily traced back to a student computer connected to the campus network, running one of the common file sharing programs. Many of the cases involved unsophisticated and first time use of these programs by first year students. It is clearly not safe to assume that even the most casual copyright policy violation will go undetected.

When a copyright holder or their agent contacts Haverford about an occurrence of copyright violation, the school is required to take action. If you are suspected of infringement, a representative of Haverford College will confront you about the matter. The College has outlined the consequences of copyright violation if you are found in violation of U.S. law and College policy.

Everyone must abide by copyright restrictions and College Acceptable Use Policies. By installing and running these common file sharing applications you are putting yourself and the greater College community at great risk. Unless you are technically sure your use of such programs is not a violation of College policy or the law, it is strongly encouraged that you avoid their use.

Please keep in mind that you are responsible for all uses of your computer, and that network use by a computer can be traced to its registered owner.

There is a variety of other College policies and resources pertaining to the use of IT resources. Other prohibitions may exist in local or departmental computing labs and facilities. You are responsible for adhering to these policies. Please check directly with local authorities about their policies.

Section 4. Audit; Enforcement; Risks of and Penalties for Non Compliance

When a copyright holder or their agent contacts Haverford about an occurrence of copyright violation we are obligated to take action. If you are suspected of infringement, an IITS representative will confront you. To resolve the matter, you must meet with an administrator of the College. If you are found in violation of College policy and U.S. copyright law:

First Offense: You will be required to:

- Remove all infringing material from any computer connected to the Haverford network
- Make a written statement of your commitment to adhere to Haverford College's policy on copyright and acceptable use.
- Pay a \$75 fine.

Fines increase to \$250 for the second offense and \$500 for a third and subsequent offense. A second offense subjects users to a mandatory 15-business day network suspension. Third offenses subject users to indefinite network suspension and further disciplinary action (through the Office of the Dean, Human Resources or Provost office, as appropriate).