

ANNUAL DISCLOSURE TO STUDENTS DESCRIBING COPYRIGHT LAW AND CAMPUS POLICIES RELATED TO VIOLATIONS OF COPYRIGHT LAW

It is the policy of the Nebraska Wesleyan University that users are prohibited from using Nebraska Wesleyan University's computer network to illegally download or share copyrighted materials, including music, games, movies and videos. Such activity is illegal and may subject you to a variety of serious penalties. It may also inadvertently expose your confidential information and/or make your computer insecure.

A. ILLEGAL DOWNLOADING IS STRICTLY PROHIBITED

Unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, is against the law and may subject students to civil and criminal liabilities. Peer-to-Peer (P2P) file sharing refers to the use of software that allows computer users to connect in to a P2P network to search for shared files on the computers of other users (the "peers") connected to the network.

B. CIVIL AND CRIMINAL PENALTIES FOR VIOLATING 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 the Frequently Asked Questions section at www.copyright.gov/help/faq.

C. SUMMARY OF Nebraska Wesleyan University's POLICIES REGARDING UNAUTHORIZED P2P FILE SHARING

While there are some legal uses of peer-to-peer file sharing programs, using these programs to download or upload copyrighted material without authorization is against federal law and Nebraska Wesleyan University policy. Under Nebraska Wesleyan University's policy, individuals who engage in unauthorized distribution of copyrighted material using Nebraska Wesleyan University's computer network will be subject to discipline, up to and including suspension and expulsion. Nebraska Wesleyan University monitors network traffic volumes and has systems in place to enforce this policy.

If your computer contains illegal files or file-sharing software, the Nebraska Wesleyan University computer services help desk will not provide you with support services of any kind. If your computer is detected engaging in illegal file sharing, your connection to the Nebraska Wesleyan University's computer network will be immediately terminated. Before your connection can be restored, you will be required to read and sign an agreement stating that you have removed the offending files and software from your computer and that you will no longer engage in the illegal downloading and sharing of copyrighted material. Repeat offenders may be permanently removed from the network and referred to Nebraska Wesleyan University's disciplinary committee] and may be placed on disciplinary probation, up to and including suspension and expulsion. If appropriate, you may also be reported to the police or other government officials.

Additionally, Nebraska Wesleyan University cannot protect students from copyright complaints. Nebraska Wesleyan University may be required by law to disclose information about students to a complainant for use in pursuing legal action against you. When Nebraska Wesleyan University receives a copyright infringement notice from copyright holders or their attorneys, it takes the following steps pursuant to the 1998 federal statute known as the Digital Millennium Copyright Act (DMCA):

1. As the internet service provider for student users, Nebraska Wesleyan University first checks network usage logs and registration information to examine the system alleged to be involved in copyright infringement, identify the user, and independently validate the legitimacy of the notice; and
2. If the notice appears valid, Nebraska Wesleyan University then suspends the offending user's network access and notifies the user that a DMCA infringement claim has been made. Though these DMCA copyright infringement notices serve as warnings rather than legal action, the copyright holders still maintain the right to pursue legal action against a user who commits copyright infringement.

If you have questions about P2P applications or wish to remove file-sharing software from your computer, please call Nebraska Wesleyan University's computer services help desk.