

UTICA UNIVERSITY

Notice of Utica University Policy Concerning Unauthorized Distribution Of Copyrighted Material and Unauthorized Peer-To-Peer File Sharing

Utica University is committed to educating the Utica University community concerning unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing. Furthermore, the Education Opportunity Act of 2008 requires that this notice be sent to members of the University community annually.

Users of the Utica University computing network are prohibited from the unauthorized copying, distribution, alteration, use, or translation of copyrighted materials, software, motion pictures, music, or other media without the express written permission of the copyright holder.

Violation of this policy puts users at risk for losing computing privileges, being charged with a violation of the Utica University Student Code of Conduct and resultant disciplinary sanctions, being disciplined as an employee, and/or facing civil or criminal liability.

The following links on Utica University's Web site set forth Utica University's file-sharing policies and provide access and information to help users comply with those policies.

- Utica University policy on Copyright and Peer-to-Peer File Sharing:
<https://www.utica.edu/policies/index.cfm>
- How you can legally access music, movies, games, software, and other copyrighted materials:
https://www.utica.edu/academic/iits/copyright/legal_options.cfm
- Copyright laws, copyright protections and your rights:
www.copyright.gov/title17/92chap5.html
- Peer 2 Peer and U @ Utica, a tutorial:
<http://utica.edu/academic/iits/copyright/p2pmovie/index.html>

While file sharing is not in and of itself illegal, unauthorized file sharing of copyrighted materials, including music and motion pictures, is a violation of copyright laws and can subject you to civil and criminal sanctions. In addition, downloading and/or using peer-to-peer software can be hazardous to your computer and the Utica University network, as many shared files can contain spyware or viruses.

Anyone found to violate the rights of a copyright owner is deemed an infringer of the copyright. Civil remedies for infringement include injunctions, forfeiture, seizure, and actual damages and profits suffered due to the infringement. In addition, in lieu of actual damages, the copyright owner may elect to pursue statutory damages ranging from \$200.00 to \$150,000.00 in the case of

willful infringement. The court may also award the copyright owner reasonable attorneys' fees and costs related to prosecuting the action.

Infringers additionally may face criminal liability if they willfully infringe a copyright in certain situations. Violations of the above carry possible jail time (increased for multiple offenses) and fines, as well as seizure, forfeiture, and distribution of any copies or means by which the copies are made.

Article 17, Chapter 5 of the United States Code sets forth the laws concerning Copyright Infringement and Remedies (www.copyright.gov/title17/92chap5.html).

Violation of Utica University's copyright and file-sharing policies will subject individuals to appropriate disciplinary action, including, but not limited to mandatory training, loss of campus data network privileges, referral to the Office of Student Affairs for additional action through the student disciplinary process, or referral to the Office of Human Resources when the violation involves employees.

For the full disciplinary procedures as outlined in the Copyright and Peer-to-Peer File Sharing policy, please see <https://www.utica.edu/academic/iits/copyright/resources.cfm> or the University's established disciplinary procedures for faculty, staff, and students as outlined in the collective bargaining agreement with the AAUP-UC, the Employee Handbook, and the Student Handbook.

Utica University additionally takes its obligations pursuant to the Digital Millennium Copyright Act (DMCA) very seriously. If Utica University receives a notice concerning a possible infringement, the DMCA requires Utica University to take certain steps to ensure illegal file sharing or other copyright violations occurring on the Utica University network have been stopped. If Utica University receives such a notice about copyright-infringing material your computer, your computer privileges will be temporarily suspended and you will be required to remove the infringing material from your computer.