Policy title	Category
Copyright and Fair Use Policy (P2P)	Administration Human Resources Information Technology Student Conduct
Owner CS/IT	**Approved by** Ad Council

Purpose of this policy

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

Nebraska Wesleyan University prohibits employees and students from using Nebraska Wesleyan University's computer network to illega lly 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.

Application of this policy

This policy applies to all University employees and students.

Policy statement

DOWNLOADING COPYRIGHTED MATERIALS IS AGAINST THE LAW

When someone uses a file-sharing service like BitTorrent or directly downloads copyrighted material, it is a violation of the law. Similarly, using a peer-to-peer file sharing application that allows uploading of copyrighted material in one's personal possession also violates the law. Nebraska Wesleyan University strictly prohibits such activity.

CIVIL AND CRIMINAL PENALTIES FOR VIOLATING COPYRIGHT LAWS

Penalties for copyright infringement include civil and criminal penalties. In general, anyone found liable for civil copyright infringement m ay be ordered to pay either actual damages or "statutory" damages affixed at not less than $750 and not more than $30,000 per work inf ringed. 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 cri minal penalties, including imprisonment of up to five years and fines of up to $250,000 per offense.

VIOLATIONS OF THIS 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, expulsion, or termination. Nebraska Wesleyan University does support Fair Use guidelines for the reproduction of copyrighted material. Nebraska Wesleyan University uses technological means to monitor network traffic and enforce this policy.

If Nebraska Wesleyan University reasonably suspects an employee or student has violated this policy, it will take all reasonable action, including but not limited to requiring an inspection of devices suspected of being used to violate the policy, and terminating the

individual’s privileges on University systems and networks. Nebraska Wesleyan University cannot protect students from copyright com plaints. Nebraska Wesleyan University may be required by law to disclose information about students to a complainant for use in p ursuing legal action against you. When Nebraska Wesleyan University receives a copyright infringement notice from copyright holders o r their attorneys, it takes the following steps pursuant to the Digital Millennium Copyright Act (DMCA):

1. As the internet service provider for users, Nebraska Wesleyan University first checks network usage logs and registration inform ation to examine the system alleged to be involved in copyright infringement, identify the user, and independently validate the leg itimacy 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 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 Peer-to-peer (P2P) applications or wish to remove file-sharing software from your computer, please call Nebraska Wesleyan University’s computer services help desk.

Approved by Ad Council March 23, 2021

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