

Lander University Copyright Infringement Plan & Procedures (HEOA Compliance Information)

Lander University
Greenwood, South Carolina
Contact: ITS Helpdesk

Part 1. The plan to effectively combat copyright infringement

1-1. Link to relevant web pages

- [Lander University Technology Acceptable Use Policy](#)

1-2. What technology-based deterrents have you decided to use?

Lander University maintains an intrusion detection system (IDS) that is monitored and updated from the South Carolina Information Sharing and Analysis Center. This IDS identifies certain peer-to-peer (P2P) traffic patterns associated with file sharing applications.

1-3. What mechanisms are you using to educate your community?

- Freshmen are informed of Lander University's policies regarding illegal file sharing and copyright infringement during freshmen orientation.
- During Laptop Certification (first time network connection) students with file sharing software are reminded of the policies and encouraged to uninstall the application(s).
- TRACS technicians are trained to identify file sharing applications during Laptop Certification and normal troubleshooting. They encourage students to remove any identified file sharing software.

1-4. What procedures are you using for handling unauthorized distribution of copyrighted material (e.g., monitoring, sanctions, etc.)?

Whenever this type of activity is discovered or reported by outside agencies such as the RIAA (Recording Industry Association of America), the network connection to the suspected computer will be terminated immediately. The student will receive a letter indicating this is what has happened. A copy of this letter will also be sent to Judicial Services, who will follow the procedures for first offenders (see Student Handbook).

It is the student's responsibility to remove the offending file share program and to prove that this has been done. In order to be granted access to the university's network, the student should contact Information Technology Services (ITS) at ext. 8234 to schedule an appointment to have his computer checked for the offending program.

This process could take up to two to three weeks, at which time the student will be without internet access in his residence hall room. In some cases this will affect all the students in that room.

1-5. How are you periodically reviewing the plan? What criteria are you using to determine if it is effectively combating copyright infringement?

At the end of each academic year (end of summer), ITS will review DMCA complaints received and P2P notices sent.

Part 2: Offering Alternatives

2-1. Link to relevant web pages

- <http://www.educause.edu/legalcontent>

2-2. Are you carrying out your own survey of alternatives or linking to one or more lists maintained by others? If the latter, which lists?

We link to EDUCAUSE's list.

2-3. Have you made any special arrangements with one or more content providers to obtain content through legal methods?

No

Part 3: Informing the Community

3-1. Link to relevant web pages

3-2. Have you developed your own statement regarding copyright and copyright law in general or are you linking to such statements maintained by others? If the latter, which statements?

The Secretary of Education statement regarding copyright infringement:

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.