



Taylor University Statement in Compliance with the Higher Education Opportunity Act (HEOA) with Respect to Peer-to-Peer File Sharing and Downloading

Summary of this Statement

In compliance with the HEOA, Taylor University:

- has technology in place to monitor and mitigate impermissible file sharing and downloading;
- will notify students through its web site, Student Life Handbook, and an annual email about the illegality, legal implications, and unacceptability with respect to Taylor University's Life Together Covenant of impermissible file sharing and downloading;
- under the auspices of Student Development and the Information Technology Department at least one information meeting will be held annually with student leaders who engage in programming activities during which this Statement and related policies will be highlighted and referenced;
- notice of this Statement will be communicated annually to faculty and staff through the Office of the Provost;
- will provide a list of potential sites for legitimate downloading; and
- will annually review this Statement and its relationship to Taylor University's policies.

Introduction

The Higher Education Opportunity Act of 2008 ("HEOA") requires that colleges and universities identify a strategy for precluding unauthorized downloading and distribution of copyrighted material by persons who use that institution's computing network. This Statement represents Taylor University's efforts to comply with these requirements.

The HEOA imposes the following three general requirements on all colleges and universities within the United States, including Taylor University:

1. The university must provide an annual disclosure to students describing copyright law and campus policies related to violating copyright law, including unauthorized peer-to-peer file sharing, and the civil and criminal liabilities that students may be subject to in connection with such activities. This disclosure shall also include a description of the policies in place with respect to such unauthorized peer-to-peer file sharing, including disciplinary actions that are taken against students who engage in unauthorized distribution of copyrighted materials using the university's information technology system.
2. The university must have a plan to "effectively combat the unauthorized distribution of copyrighted materials" by users of the university's network, including "the use of one or more technology-based deterrents."
3. The university must have a plan to "offer alternatives to illegal downloading."

Compliance with U.S. copyright law is expected of all Taylor University students, faculty, and staff. Furthermore, personal integrity and respect for others, which extends to their property, are elements of the Taylor University Life Together Covenant that should deter a member of the Taylor University community from knowingly and willfully misappropriating the intellectual property of others.

While not directly related to this particular Statement, it should be noted that Taylor University, in compliance with the HEOA, publishes a web site regarding Student Consumer Information which provides prospective and current students with information regarding Taylor University and its various consumer-related policies.

Creating Awareness of Copyright among the Taylor University Community

This Statement represents an effort to inform the Taylor University community expressly about unacceptable and possibly illegal distribution of copyrighted material over Taylor University's computing network. There are additional steps that Taylor University will take with respect to educating its constituencies regarding copyright and fair use.

- This Statement will be published on Taylor University's web site.

- The Zondervan Library provides a [Resource Guide on Copyright and Fair Use](#). This web page guides users to a variety of resources that are useful in understanding key elements of copyright law and fair use.

- A notice is posted on public photocopiers and printers that states:

The copyright law of the United States (Title 17, U.S. Code) governs the making of photocopies or other reproductions of copyrighted material.
The person using this equipment is liable for any infringement.

- A web-based document will be developed in the fall of 2010 that provides copyright and fair use information for Taylor University's constituents. This will supplement content that is available in the *Faculty Handbook*. This forthcoming document will be reviewed on a regular basis, no less than biannually.

- This Statement will be linked from Taylor University's HEOA web site when that becomes available.

- Taylor University will review this Statement on an annual basis. Responsibility for reviewing and revising this Statement regarding "peer-to-peer" file sharing resides with the Office of the Provost in consort with the Chief Information Officer and the Chief Information Security Officer.

Annual Disclosure

Taylor University will, on an annual basis, provide members of the Taylor University community with the following items of information pertaining to copyright policy and law:

- i) a notice to all constituencies, through email, about this Statement that explicitly informs students and other constituencies that unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may be subject to civil and criminal liabilities;

- ii) this Statement will be posted to the Taylor University web site and to the Taylor University Portal;

- iii) a summary of the penalties for violation of Federal copyright laws;
- iv) specific policies that relate to copyright will be noted and, where appropriate, hyperlinks will be provided to the complete policy;
- v) reference to this Statement, pertinent policies and potential disciplinary implications will be indicated in the Taylor University *Student Life Handbook*; and
- vi) hyperlinks to Taylor University's document on copyright and fair use (under development in fall 2010) and to the Zondervan Library Resource Guide to Copyright and Fair Use will be provided; the Resource Guide will be reviewed and updated annually and will include hyperlinks to Taylor University documents and policies pertaining to copyright and fair use.

Taylor University's Efforts to Counter Illegal Downloading and Sharing of Copyright Material

Taylor University has in place a policy regarding "peer-to-peer" file transfer. This Peer-To-Peer (P2P) Policy states that web sites known to be sources of copyright abuse or which do not ensure legitimate distribution of content from that site will be blocked through Taylor University's internet filtering process. Any computer determined to be operating peer-to-peer software and inappropriately sharing copyrighted material will be quarantined. This Policy, available in full at the hyperlink above, is reviewed annually.

In addition, Taylor University has an Acceptable Computer Usage Policy requiring that all computer and network usage conform to all Taylor University policies as well as applicable Federal, State, and local law. This Policy, along with Taylor University's Internet Security Management Policy, affirmatively prohibit the unauthorized use and distribution of copyrighted media files and the use of peer-to-peer file transfer programs.

Taylor University also has in place a plan to effectively combat the unauthorized distribution of copyrighted materials, including the following technologies and operations to deter the unauthorized distribution of copyrighted resources:

- i) All identifiable peer-to-peer sharing applications and web sites with connections that are questionable with respect to copyrighted material are monitored through:

- a) Internet content filtering through a commercial product that provides daily and weekly reports; and
 - b) Bandwidth metering ("packet shaping") together with a Bandwidth Utilization Policy which provides daily and weekly reporting to the Chief Information Security Officer;
- ii) A network access control device that imposes quarantine upon offending parties; and
- iii) A web proxy in place to safeguard access to electronic information resources licensed by Zondervan Library for which access is intended only for authenticated users.

Statement Regarding Consequences Imposed by the University for Known Abuse of Copyrighted Resources

Students who violate the Taylor University Acceptable Computer Use Policy or other pertinent policies through the illegal capture and distribution of copyrighted material are subject to a variety of sanctions according to the *Life Together Covenant* and *Student Life Handbook*. These sanctions may include, but are not limited to, the following:

- Conduct Warning
- Letter of Reprimand
- Citizenship Probation
- Disciplinary Probation
- Suspension
- Dismissal

The level of the sanction will correspond to the severity and frequency of the illegal downloading and/or distribution of copyrighted material. These sanctions are described in detail in the *Student Life Handbook* (pp. 8-9).

Summary of Civil and Criminal Penalties for Violation of Federal Copyright Laws

The following summary of civil and criminal penalties for violating Federal copyright laws has been provided by the U.S. Department of Education.

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.

Additional information regarding U.S. copyright laws and the penalties for copyright infringement can be found at the U.S. Copyright Office web site, available at <http://www.copyright.gov>, including a Frequently Asked Questions ("FAQ") webpage available at <http://www.copyright.gov/help/faq>.

Legal Sources of Online Content

Taylor University maintains a list of alternative resources to unauthorized downloading, which itself is provided by EDUCAUSE at the following link: <http://www.educause.edu/legalcontent>. EDUCAUSE is a not-for-profit organization that promotes proper uses of information technology, and maintains the aforementioned working list of "Legal Sources of Online Content" for use and consideration instead of sources where illegal copyrighted material is available. Taylor University shall continue to make this list, or an alternative list, available in the present Statement and other locations throughout its web site. Given the potential questionable legality of one or more of the "Legal Alternatives for Downloading" within EDUCAUSE's "Legal Sources of Online Content," Taylor University has chosen to actively block selected sources listed therein.

Please note that some of these sites provide content without charge because the resources may be funded through advertising or because the creators desire to make their resources freely available or for other reasons. "Free" does not necessarily mean illegal; on the other

hand, some sites sell resources illegally. It is important to ascertain that a site from which you purchase downloadable content is legitimate.

Questions about this Statement

Questions about this Statement should be addressed to the Office of the Provost or Chief Information Officer via copyright@taylor.edu.

Office of the Provost

Taylor University

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