

COPYRIGHTED WORKS POLICY

The Higher Education Opportunity Act of 2008 (HEOA) includes provisions designed to address illegal peer-to-peer sharing of copyrighted works by those using campus networks. Although the MBKU network infrastructure is a vital asset that enables academic and research activities by employees and students, it is important that this shared resource is used in compliance with copyright and information security laws.

The HEOA contains three general requirements that MBKU must implement to control illegal file sharing or risk losing federal financial aid funding for students.

1. An annual disclosure to students describing copyright law and campus policies related to violating copyright law.
2. Certify in the Department of Education Program Participation Agreement that MBKU has a plan to effectively combat copyright abuse on the campus network using a variety of technology-based deterrents.
3. An agreement to offer alternatives to illegal file sharing or downloading.

Annual Disclosures

All MBKU users must respect the copyrights in works that are accessible through computers connected to the MBKU network. Federal copyright law prohibits the reproduction, distribution, public display, or public performance of copyrighted materials without permission of the copyright owner unless fair use or another exemption under the copyright law applies. It is the policy of the University to respect the intellectual property rights of others. If it comes to the attention of the University that an individual is using MBKU computer equipment and/or network access to violate copyright law, the university will act to stop such activities.

1. The University has the right to determine the appropriate use of the MBKU name, shield, Program name, and associated logos and images. Any unauthorized use is a violation of copyright laws.
2. Any copyright violation traced to students will be referred to the UniverStudent Conduct for adjudication. Copyright violation penalties may include the loss of network connectivity and disciplinary action.
3. In addition, violations of copyright law may lead to criminal charges and civil penalties. Under current copyright law, criminal cases of copyright violation carry a penalty of up to five years in prison and a \$250,000 fine. Civil penalties of copyright infringement include a minimum fine of \$750 for each work. While criminal prosecution for illegal downloading is rare, civil lawsuits are quite common.

To avoid the risk of copyright infringement, as well as possible exposure to viruses or malware, unexpected material, or spyware, users should obtain materials through the many authorized internet services that legitimately distribute copyrighted works online, whether music, e-books, television shows, movies, and more. If you are in doubt regarding an issue or questionable use, you should contact the Director of Information Technology Services or the Senior Director of Library Services to resolve the issue before pursuing any questionable use of MBKU resources.

MBKU Plan to Combat the Unauthorized Distribution of Copyrighted Material

MBKU currently blocks ports commonly used for illegal Peer-to-Peer (P2P) use and monitors remaining network traffic for possible illegal use. If high bandwidth consumers are observed, they are contacted to ensure that their bandwidth consumption is the result of legal purposes only.

Warning signs are posted on campus stating that the person using the equipment is liable for any infringement. The University will also apply traffic monitoring and aggressively respond to Digital Millennium Copyright Act notices.

The MBKU Library provides licensed electronic access to books and journals through several publishers and databases. Password-protected access is provided through the library website. Authorized users include full-time and part-time students. By signed license agreement, each student may: access, search, browse, view, print, and store electronic copies for exclusive use, one article per journal issue, or one chapter or 10% of each book. By signed license agreement, students may not redistribute, or retransmit journal articles or book chapters downloaded from any of the electronic resources provided by the library.

MBKU is under no obligation to protect a user from a complaint or action arising from any violation, or alleged violation, of the law, including infringement of any intellectual property rights due to the use of peer-to-peer or any other type of file-sharing software applications. Users should understand that material accessible through the internet does not mean that accessing and distributing such material is authorized by copyright holders. Even when users pay for access, they do not necessarily acquire the right to distribute the material to others.

Copyright Clearance Center

The Copyright Clearance Center Annual License provides the MBKU community with comprehensive copyright coverage that colleges and universities need to share information. With this license, students have copyright permission to use thousands more books and journal articles in the classroom and in their research, while respecting the intellectual property of others. For more specific copyright information, please visit the MBKU Library website (https://ketchum.ent.sirsi.net/client/en_US/default/).