

Higher Education Opportunity Act and Belmont Abbey College

Below is our plan to fulfill requirements set forth by the Higher Education Opportunity Act, which requires academic institutions to increase their response to copyright infringements.

Regulations and our response:

First. An annual disclosure to students describing copyright law and campus policies related to violating copyright law.

We will educate students and staff on peer-to-peer, copyright and DMCA (Digital Millennium Copyright Act) through information in the Computer Use Policy, Student, Faculty and Employee Handbooks, Account letter, and with emails reminders to all students each Fall semester.

Second. A plan to "effectively combat" copyright abuse on the campus network using "one or more technology-based deterrents".

The Academic and Administrative Networks are maintained by Belmont Abbey College, Information Technology. Deterrent devices include the Palo Alto Firewall and additional control with OpenDNS. Weekly reports are generated on usage and are periodically reviewed for high bandwidth use and abuse. Abuse is reported to the supervisor and/or Vice President.

The Public/Wireless Network is maintained by Belmont Abbey College, Information Technology. Deterrent devices include the Cymphonix Bandwidth Management and additional control with OpenDNS.

The Residential Network is from Time Warner Cable. Belmont Abbey College, Information Technology responds to reports of abuse and the DMCA letters are forwarded to Residence Life for delivery to the student(s).

Third. Agreement to "offer alternatives to illegal downloading".

We will provide a link to the list maintained by Educause <http://www.educause.edu/legalcontent> . Some or all of the sources are available on our Public and the Residential network.

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.

If you have further questions, please contact the IT Help Desk helpdesk@bac.edu.