

## **FROM THE OFFICE OF STUDENT RIGHTS & RESPONSIBILITIES 2023-24**

### **Student Copyright Infringement Notification Student Copyright Infringement Notification**

In August of 2008, Congress amended the Higher Education Act (HEA). The amended HEA requires all colleges and universities that, like Joliet Junior College, receive student financial aid funding from the federal government to provide notice to students of college policies and other information about copyright infringement and illegal file sharing. This notice provides a summary of Joliet Junior College's policies and where to find more information about copyright law and illegal file sharing.

Students are required to comply with all local, state, federal, and international copyright laws, and with College policies regarding the use of copyright-protected materials at JJC. Whenever copyright-protected works are used and fair use does not clearly apply, JJC requires students to obtain written permission from the copyright owner. Downloading, uploading or transmitting files containing copyright-protected works without the permission of the copyright owner is prohibited by JJC policy- a violation of which may subject an infringer to JJC's Code of Student Conduct or employee disciplinary action, is illegal, infringes the copyright owner's rights, and may result in legal liability for the infringer and the College.

Most forms of expression, whether images, sculptures, designs, interactive works, books, movies, blogs, videos, music, or software, are protected by copyright law upon fixation in a tangible form. Expressive works are protected whether or not the work bears a copyright notice, and without regard to where the work is published or displayed. Copyright-protected works cannot be copied, distributed, adapted, performed, or displayed without the permission of the copyright owner. Any unauthorized use of a copyright-protected work infringes the copyright owner's exclusive rights under copyright law.

### **Civil and Criminal Penalties for Violation of Federal Copyright Laws**

For a first offense, the incident will be documented and closed. Repeat infringers will be referred to the appropriate College authority for further action in accordance with campus policies and procedures. In addition to the above, inappropriate use of information technology resources may result in personal civil and criminal penalties and other administrative liability. Finally, under the Digital Millennium Copyright Act (DMCA), the claimant may pursue a subpoena to obtain the identity of the system user and may file a lawsuit against the user.

A finding of copyright infringement does not require that the unauthorized use of the work be commercial, or that the infringer knows that a use is infringing. Even accidental copyright infringement creates legal liability. An infringer faces paying the copyright owner monetary damages, having the infringing work destroyed, and serving time or paying fines for certain criminal activities connected to copyright 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 U.S. Copyright Office Web site, especially their FAQs. JJC prohibits use of its technology systems, including, without limitation, use of its website, email system, portal, computer labs, and bulletin board systems ("Technology Resources") in connection with illegal activities, including such activities as circumvention of access control or copy protection technology, unauthorized file sharing, or other methods of downloading, copying, distributing, or sharing copyright-protected works without the permission of the copyright owner, or in connection with making copyright protected materials available for downloading, copying, distributing, or sharing by others without the permission of the copyright owner.

JJC has the right, but not the obligation, to monitor and review any use of the Technology Resources. JJC may monitor user IDs and passwords used to access the Technology Resources, may review information stored or sent using the Technology Resources (including emails and attached files), and may remove and save a copy of such information in JJC's sole discretion.

JJC may utilize technological methods such as traffic shaping, content filtering, or user tracking to identify, block, and/or thwart activities deemed in JJC's sole discretion to be potentially illegal or necessary to conserve the Technology Resources or manage their usage. JJC may retain copies of any information stored on or sent using JJC's Technology Resources, even if the originator of such information deleted such information.

JJC reserves the right to restrict or terminate user access to the Technology Systems or to disable a user ID and/or password at any time without notice if JJC believes that the user has violated this policy, or any state or federal law. JJC reserves the right at all times to disclose, without notice to the user, any information necessary to satisfy any applicable law, regulation, legal process or governmental request, or to edit, refuse to post or to remove any information or materials, in whole or in part, in JJC's sole discretion if JJC believes a user has violated any of portion of this policy or any other JJC policies or guidelines.

JJC investigates notices of copyright infringement submitted to JJC and takes appropriate actions under the DMCA, including removal of infringing materials from the JJC website or other Technology Resources. Students are responsible for reading, understanding, and personally complying with this notice and the JJC's Code of Student Conduct and JJC's Technology Acceptable Use policies. Students who violate JJC's policies are subject to disciplinary action by the College, which may include termination of access to the Technology Systems, disciplinary probation, suspension, and dismissal from JJC, as further provided in JJC's student policies. In addition, a student may face personal legal liability,

including civil and criminal penalties for infringement of copyright and other intellectual property laws, which may include injunctions restraining infringing activities, monetary damages, prison time, attorney's fees, and court costs.

### **Alternatives to Illegal Downloading**

Universities and colleges are required to periodically review the legal alternatives for downloading or otherwise acquiring copyrighted material and make the results of the review available to their students through a web site or other means. Alternatives to unauthorized file sharing are available on EDUCAUSE's website. The Recording Industry Association of America also maintains a listing of alternatives.

Respectfully,

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