

Effective July 1, 2010



Tulsa Community College Copyright Infringement & Peer-to-Peer Statement

Tulsa Community College expects that all students and employees adhere to the United States Copyright Act (title 17 United States Code) and the related acts, which further define the proper use of copyrighted materials and peer-to-peer file sharing. Unauthorized distribution of copyrighted materials (sharing copyrighted music and other materials with others) is not allowed and may subject the student and/or employee to civil and criminal penalties. Please refer to Federal Laws from www.copyright.gov for copyright infringement, remedies and penalties. Also refer to Oklahoma Laws that apply to the use of computing and networking.

- All students, faculty and staff should familiarize themselves with the copyright laws and their fair use provisions.
- Faculty, staff and students who face litigation over copyright infringement should not assume that the College would defend them nor be responsible for judgments.
- TCC suggests that both students and employees use legal methods to gain access to copyrighted materials.
- TCC restricts access to peer-to-peer Web sites from the TCC network. TCC allows access to sites that allow legal alternatives for downloading music, movies and other copyrighted materials.

Annual Disclosure

In compliance with state and federal copyright laws and the Higher Education Opportunity Act of 2008 (HEOA), Tulsa Community College adheres to a Copyright Infringement and Peer-to-Peer policy listed below.

- 1) TCC informs students, faculty and staff about copyright laws and the TCC's policies related to violating copyright laws and peer-to-peer file sharing. Twice per calendar year TCC informs students, faculty and staff by use of the TCC Web site,

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flyers/brochures posted on bulletin boards and by sending an informative email about copyright infringement and peer-to-peer and TCC policies concerning these.

- a) What are copyright infringement and peer-to-peer file sharing?
- Copyright infringement occurs when a copyrighted work is reproduced, distributed, performed, publicly displayed or made into a derivative work without the permission of the copyright owner. In general, copyright infringement occurs whenever someone makes a copy of any copyrighted work, such as songs, videos, software, cartoons, photographs, stories or novels without permission (i.e., a license) from the copyright owner. Copyright laws can be found online at www.copyright.gov/laws.
 - Peer-to-Peer is a network where computers communicate directly with each other, rather than through a central server. Often referred to simply as peer-to-peer, or abbreviated P2P, it is a type of network in which each workstation has equivalent capabilities and responsibilities in contrast to client/server architectures, in which some computers are dedicated to serving other computers. A "network" is a group of two or more computer systems linked together by various methods.
- b) Summary of penalties for violation of Federal copyright laws. Unauthorized distribution of copyrighted materials, including peer-to-peer file sharing, may subject the individual to civil and criminal liabilities. Those who copy and distribute copyrighted material without legal permission may be found liable for civil or criminal copyright infringement. Civil penalties may include actual damages and profits or statutory damages (ranging from \$750 to \$30,000 per work that is infringed). Moreover, the court can also award reasonable attorney's fees and costs and increase the damages in the case of a willful infringement. Criminal penalties can include fines and imprisonment.
- c) Summary of TCC's policies on copyright and peer-to-peer file sharing including disciplinary actions for violators.
- Employees of TCC will be informed of the violation and asked to correct the copyright or peer-to-peer violation. If future violations are found, they will be referred to their appropriate supervisory chain to include notification to their respective cabinet member.

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- Potential Student Disciplinary Actions

First violation: Students will be warned and asked to correct the copyright or peer-to-peer violation as soon as possible.

Second violation: Immediate suspension of privileges to the College's Telecommunication Systems.

Third violation: Students will be referred to a Dean of Student Services for further disciplinary action which may include suspension from the College.

- 2) TCC uses the following technology based deterrents to help combat copyright infringements and Peer-to-Peer access on the TCC network.
 - a) Bandwidth monitoring through the College's network and firewall technology which alarms network staff of suspicious behavior consistent with P2P file sharing.
 - b) Use of a firewall to block known ports used by some peer-to-peer software.
- 3) TCC offers legal alternatives to illegal downloading. A list of sites for legal downloading:
<https://www.educause.edu/focus-areas-and-initiatives/policy-and-security/educause-policy/legal-sources-onli>
- 4) Other Online Resources dealing with Copyright and Peer-to-Peer:
 - Copyright Web site – www.copyright.gov
 - Recording Industry Association of America (RIAA) – www.riaa.com
 - Campus Downloading Web site – www.campusdownloading.com
 - Federal Trade Commission (FTC) – www.ftc.gov/bcp/edu/pubs/consumer/alerts/alt128.shtm