

COPYRIGHT INFRINGEMENT POLICIES AND SANCTIONS

Disclosure Requirement: Made available through appropriate publications, mailings, or electronic media
HEOA Sec. 488(a)(1)(E) amended HEA Sec. 485(a)(1) (20 U.S.C. 1092(a)(1)): added HEA Sec. 485(a)(1)(P)
HEOA amendment effective August 14, 2008

October 29, 2009 FR notice (added 34 CFR 668.43(a)(10))

Institutions must annually make available to current and prospective students the institution's policies and sanctions related to copyright infringement, including:

- a statement that explicitly informs students that unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may subject the students to civil and criminal liabilities
- a summary of the penalties for violation of federal copyright laws*
- the institution's policies with respect to unauthorized peer-to-peer file sharing, including disciplinary actions taken against students who engage in illegal downloading or unauthorized distribution of copyrighted materials using the institution's information technology system

California Baptist University's policies and sanctions related to copyright infringement may be accessed in the Student Handbook, which is distributed annually to students and is available at [California Baptist University Student Handbook and Calendar](#). This policy is also posted on CBU's Higher Education Opportunity Act web page at [HEOA Copyright Infringement Policies and Sanctions](#).

CBU LancerNet Policy 59.3. Illegal Downloading, Sharing, and/or Distribution of Electronic Material.

LancerNet may not be used to download, stream, share, and/or distribute any music, movies, images, and other digital, copyright-protected files without paying for them. Downloading, streaming, sharing, and/or distributing such materials constitutes theft of copyright protected material and is punishable by serious fines. Under the federal Digital Millennium Copyright Act (DMCA) instituted in 1998, the copyright owner may bring an action in court that may result in civil liability or criminal prosecution.

Permission to download, share, or distribute material must be obtained through the appropriate channels. It is safe for an individual to assume authorization has not been granted to download, stream, share, and/or distribute files or materials found on the internet if he/she has not received permission in writing – such as a license agreement. Additionally, the purchase of copyrighted material does not authorize an individual to distribute or share such material unless the individual has received specific permission to do so.

The Recording Industry Association of America (RIAA) and the Motion Picture Association of America (MPAA) and similar organizations aggressively investigate, pursue, and prosecute alleged offenders in criminal court. Penalties for first-time offenders may result in fines up to \$250,000 plus five (5) years in jail. Violators may also face civil damages up to \$150,000 for each illegally downloaded song or movie.

Using LancerNet to download, stream, share, and/or distribute copyrighted material without permission of the copyright owner is a violation of the California Baptist University Standard of Student Conduct and violators are subject to Judicial Action in addition to possible adverse legal action.

If further information is needed regarding California Baptist University copyright policies and sanctions, you may contact the Associate Vice President for Information Technology at aleynes@calbaptist.edu, (951) 343-3987.

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

Published by the Department of Education in the *Federal Student Aid Handbook*

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 website of the U.S. Copyright Office at www.copyright.gov.