

## APPENDIX III. COPYRIGHT AND PEER-TO-PEER FILE SHARING POLICY

### Copyright and Fair Use Guidelines

Tabor College does not permit unauthorized copying and distribution of copyrighted work. Violations of this policy may result in the suspension of access to network resources (including all printers) and other discipline deemed appropriate by the Student Life Office or the employee's supervisor up to and including termination of employment and/or dismissal.

Tabor College Library will keep and maintain an authoritative print resource regarding Copyright and Fair Use Guidelines at the library's Front Desk (to be updated every three to five years). This resource will be non-circulating and will be available for use by faculty, students, and staff at Tabor College Library.

All material placed on Reserve in Tabor College must fall within the Fair Use Guidelines of the U.S. Copyright Act (including the Digital Millennium Copyright Act) or have written copyright permission from the copyright holder. A sample letter which can be used to obtain copyright permission from an author or publisher is on file in the library, *however it is the responsibility of the instructor to obtain and supply to the library written copyright permission from the legal owner.*

Reserve materials may include short items, generally no more than one chapter or less than 10% of one book, one journal article from a particular issue or no more than 3 articles from a particular volume, one poem from a collected work. U.S. Copyright regulations do not permit placing the same copyright protected materials on reserve for more than one term per year without obtaining copyright permission. Copyright permission is required for items that do not fall under the above guidelines.

### *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 consent constitutes 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 for up to \$250,000 per offense. For more information, please see the website of the U.S. Copyright Office at [www.copyright.gov](http://www.copyright.gov).

Information regarding Copyright, Fair Use Guidelines, and the Digital Millennium Copyright Act can be found online at [www.copyright.gov](http://www.copyright.gov). Columbia University also maintains a comprehensive website dedicated to copyright in academia located at: <https://copyright.columbia.edu/>.

All students and employees will be notified of this policy on an annual basis. A copy of this policy is also accessible at <http://tabor.edu/consumer-information-disclosure/>.

### Peer-to-Peer File Sharing

Tabor College does not permit unauthorized peer-to-peer file sharing nor installation of peer-to-peer file sharing application on any College device or network. Violations of this policy may result in the suspension of access to network resources and other discipline deemed appropriate by the Student Life Office or the employee's supervisor up to and including termination of employment and/or dismissal. Unauthorized acquisition or distribution of copyrighted or licensed material via peer-to-peer file sharing may subject individuals to civil and criminal liabilities. All students and employees will be notified of this policy annually.