

Penalties for Copyright Violations by Students, Faculty, and Staff of Saint Joseph Seminary College

Introduction

Saint Joseph Seminary College reminds all students, faculty, and staff that copyright violations are both an offense against civil law and an offense against one's fellow man. While there may be room for debate regarding implementation of copyright and intellectual property laws as they are defined and enforced in the civil laws of each state or nation, the basic concept of fair compensation for the work of one's God-given talents is not debatable.

Catholic morality, as well as Natural Law itself, demands that each individual has a right to be compensated for his or her work. Therefore, all Catholics of good faith should recognize this right and make every attempt to honor the civil laws pertaining to content creation, ownership, distribution, and compensation. It is a violation of conscience to take without payment, copy, or distribute any content protected by copyright without the copyright owner's expressed, written consent to do so. The Golden Rule is the simplest guide in this case: *Do unto others as you would have them do unto you.*

The Copyright Laws of the United States can be found at <http://www.copyright.gov/title17/>. It is advisable to read these laws in order to avoid any unintended violations as well as to understand the penalties for such actions.

Requirements of the college to prevent copyright infringement

The college is required by the copyright provisions of the Higher Education Opportunity Act of 2008 to do whatever it can to prevent copyright infringements from occurring through the use of its network or other institutional technology. Therefore, one component of the institution's internet filtering policy is to block all known peer-to-peer file sharing protocols. Additionally, any sites that are known to be used primarily for the illegal distribution of copyrighted materials will be blocked. Attempts to circumvent the internet filter for the purpose of accessing these blocked services or sites will result in the user's internet traffic being monitored and machine being inspected if necessary to verify the activity. Appropriate disciplinary action will be taken if attempts to circumvent the filter are verified.

The college also respects safe harbor provisions and does not necessarily block sites where access would be covered under such provisions, since the burden in such cases is on the copyright holder to request that the site remove the copyrighted material. Therefore, the college accepts no responsibility in filtering content covered under safe harbor provisions.

Moral imperatives upon students, faculty, and staff

In support of our mission to promote the proper formation of students discerning a vocation to the Roman Catholic priesthood, every student and member of the faculty and staff should exhibit a moral imperative to respect the right of others to request just compensation for their intellectual or creative works. Disregarding this right contradicts the mission of the college.

Disciplinary action for violations

Anyone found to be willfully violating applicable copyright laws will be reported to the President

Rector's office for appropriate disciplinary action as dictated by their role in the college. These actions will be treated with the same severity as other forms of theft.

Civil penalties for violations

As required by the HEOA of 2008, the college will cooperate with the authorities and surrender all available information regarding the identity and activities of suspected users in the event that the college is served a DMCA Notice or formal complaint of copyright infringement.

Chapter 5 of the copyright code states that the penalties for copyright infringement may be levied in one of two ways. The first requires the guilty party to pay the actual damages to the copyright holder as well as any profits that may have been made by the infringement. The second form is statutory damages which will range from \$750 to \$300,000 per infraction depending upon whether the guilty party was willful in their violation of the law. Additional penalties may also apply in certain cases. More information is available in Chapter 5 of the copyright code, which can be found on the Copyright Office's website:

<http://www.copyright.gov/title17/92chap5.html>

Copyright compliance

The college encourages all users to make every effort to comply with applicable copyright laws. In the case of multimedia, this would normally mean legally purchasing all content but could also include avoiding for-pay multimedia by making use of multimedia resources that are offered under free or share-alike licenses such as those proffered by Creative Commons.

Members of the IT and library staffs are available to assist users in determining whether or not a specific use of copyrighted material is permissible under the fair use doctrine, and to help obtain proper licensing permissions to use copyrighted resources where relevant.

The IT staff also maintains a page on the internal campus website that includes links to freely and legally accessible multimedia resources for those who cannot afford to purchase multimedia on a regular basis. This page includes links to legal copyright alternatives for those who would prefer to explore multimedia offered under Creative Commons or other free access licenses that do not require payment or copyright permissions for use.

Additional resources for understanding copyright and fair use

The IT staff maintains a list of links on the internal campus website to aid one in understanding the complexities of copyright and patent issues.