

## **Aultman College of Nursing and Health Sciences Policy and Procedure**

### **Copyright Infringement Policy and Sanctions (Peer-to-Peer File Sharing)**

**Purpose:** To provide a means for annual disclosure to students, faculty, and staff about illegal copyright infringement and unauthorized distribution of copyrighted material, including use of technology-based uploading and downloading of copyrighted works, through peer-to-peer (P2P) file sharing on campus networks that may subject them to criminal and civil penalties. In addition, the policy will describe the steps Aultman College will take to detect and sanctions imposed for illegal distribution of copyrighted materials (requirement of The Higher Education Opportunity Act of 2008, HR 4137).

**Policy:** Aultman College of Nursing and Health Sciences supports trust and honesty in all relationships as an institutional value of integrity. Academic integrity lies at the heart of learning, free inquiry, and search for knowledge; therefore, Aultman College requires all faculty, staff, and students to act honestly, morally and ethically in the maintenance of professional standards for learning.

Aultman College is also committed to taking reasonable steps to avoid misuse of its computer network, including use of computers to violate the Copyright Law of the United States. Campus computer networks are often used to reproduce and distribute copyrighted works, including but not limited to written materials, music, movies, television shows, pictures, and software through the use of peer-to-peer and shared networks.

The *Copyright Law of the United States* (Title 17 of the United States Code) implies the holders of copyrighted materials possess the exclusive right to authorize reproduction of, distribution of copies or phonogram records of, public performance of, public display of, and preparation of derivative works based on copyrighted works. Aultman College expects each faculty, employee, and student to comply with this Policy, relevant laws and contractual obligations. Member's privilege to access and use Aultman's information technology and learning resources may be revoked with sanctions imposed for misuse.

Many persons, including students, are under the impression that their activity on the Internet is largely anonymous or untraceable, but this is untrue. In fact, almost all activity on the Internet is logged on many computer systems used, including those at Aultman, and while these logs usually are not inspected, they certainly can be used to confirm or implicate a person's illegal activity.

Violations of copyright infringement and academic integrity and appropriate penalties vary in severity, and may range from a verbal or written warning, disciplinary action, to termination from Aultman College, as well as possible civil and federal penalties.

To maintain the academic integrity of Aultman College, students and employees are responsible for their own work.

**Procedure:** Aultman College of Nursing and Health Sciences uses the following steps when confronted with *violations* of the Copyright Law and P2P file sharing.

1. Students are responsible for being familiar with the policies located in the Student Handbook related to Academic Integrity, electronic Devices and Resources, Information Technology and the respective Q & A located on the College website.
2. Faculty and staff are responsible for being familiar with this policy located in the Administrative Policy Manual and any academic integrity policies in Aultman College student handbooks.

For Students:

1. The faculty member has primary jurisdiction in determining the student's grade. However, the Division Director handles the process of probation, suspension, or expulsion from the College, on the recommendation of the faculty member through the Chief Academic Officer and Director for student affairs. It is the responsibility of the faculty member to provide all documentation and supporting materials related to the violation of academic integrity.
2. The Director responsible for student affairs will collect and maintain a student's record for the present, and any prior offences, and will communicate the nature of the charge, the information collected, and the penalty warranted by the College.
3. If the student concurs with the decision, the Director responsible for student affairs will notify the Chief Academic Officer and division Director in writing of the decision and the penalty, as well as any supporting material and documentation related to the decision.
4. If the student maintains the allegation is in error, or that the decision was unfair, the student may submit a written appeal of the findings and/or the penalty to the Division Director, following the Conduct/Grievance/Appeals Procedure as identified in the Student Handbook.

For Administration, Faculty and Staff:

1. Faculty or staff members in violation of the Copyright Law and P2P file sharing may be penalized from a verbal or written warning, probation, suspension, to termination from the College
2. Violations will be handled through the Division Director and/or executive responsible for the faculty or staff person respectively.
3. The Director responsible for the employee handles the process of probation, suspension, or termination from the College, on the recommendation of the Chief Academic Officer and the Director responsible for human resources. It is the responsibility of the Division Director to provide all documentation and supporting materials related to violation of academic integrity.
4. The Director responsible for human resources will collect and maintain a employee's record for the present and any prior offences. The employee's Director will communicate the nature of the charge, the information collected, and the penalty warranted by the College.

5. If the faculty or staff member concurs with the decision, the employee's Director will notify the division executive in writing of the decision and the penalty, as well as any supporting material and documentation related to the decision.
6. Furthermore, the division executive will communicate to the College President of the events.
7. If the faculty or staff member maintains the allegation is in error, or that the decision was unfair, the faculty or staff member may submit a written appeal of the findings and/or the penalty to the administrative director, following the Grievance/Appeals Procedure as identified in the Faculty or Professional Staff and Administrative Handbook respectively.

### **Definitions related to Infringement of the Copyright Law and P2P File Sharing**

1. Academic Dishonesty – the fabrication or misrepresentation of another's work, either intentional or unintentional, which includes but is not limited to written materials, music, movies, television shows, pictures, and software through the use of peer-to-peer and shared networks.
2. Cheating – the use or attempt to use, unauthorized materials to aid in the achievement of a better grade in a component of a class or learning project.
3. Plagiarism – the presentation of works or ideas of another person as if they were one's own, when in fact, it is at least partly the work of another; submitting a work that has been purchased or otherwise obtained from an Internet source or another source; incorporating the words or ideas of an author into one's work without giving the author credit; or submitting the same paper/project for more than one course without the knowledge or permission of all involved instructors.
4. Forgery – the fabricating, altering, or counterfeiting of images, documents, or signatures on any information, data, or documents.