

Vermont State Colleges: Annual disclosure regarding illegal file sharing and the Higher Education Opportunity Act

1. Unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, is illegal and may subject students to civil and criminal liability.
2. 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 Web site of the U.S. Copyright Office at www.copyright.gov, especially their FAQ's at www.copyright.gov/help/faq.

3. VSC policies that address unauthorized peer-to-peer file sharing, including disciplinary action that may be taken include:
 - The [VSC Computing And Telecommunications Technology Conditions Of Use Policy](#), which states that "Violations of this Policy by students may lead to loss of VSCnet privileges and/or discipline up to and including dismissal." Additionally, "Students and employees who engage in activity related to copyright infringement may be liable for civil and/or criminal penalties."
 - The VSC policy on the [Use and Ownership of Copyrighted Materials](#) establishes standards regarding the use of copyrighted materials and states that "it is the intent of VSC to comply at all times with the United States Copyright Laws."
 - Additionally, any Digital Millennium Copyright Act (DMCA) notices are responded to within one working day and include removal of Internet privileges on the offending computer until the issue is resolved. Each college requires that the offending material be removed and may require that the computer be cleaned and rebuilt.