

The college has developed policies and consequences to ensure that students respect copyrighted media and other forms of intellectual property while using the district's Internet connectivity and online resources responsibly. Review these policies at foothill.edu/handbook/pdf/student-conduct.pdf.

There are numerous ways to legally stream or download media online. To protect their intellectual property, companies have licensed hundreds of digital partners that offer a range of legal downloading options, including download and subscription services, legitimate peer-to-peer services, video-on-demand and podcasts. For a list of sources that offer legal downloading sites, visit whymusicmatters.com.

Summary of Civil & 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 the Copyright Act. These rights include the right to reproduce or distribute a copyrighted work. In the file-sharing context, downloading and/or uploading substantial parts of a copyrighted work without authority constitutes an infringement. For details, review U.S. Code Title 17; Section 106.

Civil and criminal penalties are applicable for copyright infringement. 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 also assess related costs and attorneys' fees. 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 details, review U.S. Code Title 17; Sections 504–505.

For more information, review the U.S. Copyright Office website at copyright.gov, especially the FAQ at copyright.gov/help/faq.

Misuse of Computer Information & Resources Policy

This [administrative procedure](#) implements *FHDA Board Policy 3250: Computer and Network Use - Rights and Responsibilities*.

Abuse of computing, networking or information resources contained in or part of the district network may result in the loss of computing privileges. Additionally, abuse can be prosecuted under applicable statutes. Users may be held accountable for their conduct under any applicable district or college policies, procedures, or collective bargaining agreements. Complaints alleging abuse of the district network will be directed to those responsible for taking appropriate disciplinary or legal action. Illegal reproduction of material protected by U.S. Copyright Law is subject to civil damages and criminal penalties, including fines and imprisonment.

Examples of behaviors constituting abuse which violate *District Board Policy 3250* include, but are not limited to, the following activities:

System Abuse

- Using a computer account that one is not authorized to use.
- Obtaining a password for a computer account that one is not authorized to have.
- Using the district network to gain unauthorized access to any computer systems.
- Knowingly performing an act which will interfere with the normal operation of computers, terminals, peripherals or networks.

- Knowingly running or installing on any computer system or network, or giving to another user, a program intended to damage or to place excessive load on a computer system or network. This includes but is not limited to programs known as computer viruses, Trojan horses and worms.
- Knowingly or carelessly allowing someone else to use your account who engages in any misuse in violation of *District Board Policy 3250*.
- Forging e-mail messages.
- Attempting to circumvent data-protection schemes or uncover or exploit security loopholes.
- Masking the identity of an account or machine.
- Deliberately wasting computing resources.
- Downloading, displaying, uploading or transmitting obscenity or pornography, as legally defined.
- Attempting without district authorization to monitor or tamper with another user's electronic communications, or changing, or deleting another user's files or software without the explicit agreement of the owner, or any activity which is illegal under California computer crime laws.
- Personal use which is excessive or interferes with the user's or others' performance of job duties, or otherwise burdens the intended use of the district network.
- Illegal downloading and/or distribution of copyright-protected materials, including but not limited to music and videos.

Harassment

- Using the telephone, e-mail or voice mail to harass or threaten others.
- Knowingly downloading, displaying or transmitting by use of the district network, communications, pictures, drawings or depictions that contain ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based on their race, national origin, gender, sexual orientation, age, disability, or religious or political belief.
- Knowingly downloading, displaying or transmitting by use of the district network sexually explicit images, messages, pictures, or cartoons when done to harass or for the purposes of harassment.
- Knowingly downloading, displaying or transmitting by use of the district network sexually harassing images or text in a public computer facility, or location that can potentially be in view of other individuals.
- Posting on electronic bulletin boards material that violates existing laws or the colleges' codes of conduct.
- Using the district network to publish false or defamatory information about another person.

Commercial Use

Using the district network or computing resources owned or controlled by the district for any commercial activity without written authorization from the district. "Commercial activity" means for financial remuneration or designed to lead to financial remuneration.

Copyright

- Violating terms of applicable software licensing agreements or copyright laws.
- Publishing copyrighted material without the consent of the owner on district websites in violation of copyright laws.