Maine Maritime Academy – Peer to Peer / Copyright Infringement Policy

Purpose

This Policy Statement applies to all users of the Maine Maritime Academy ("MMA" or the "College") network system. Expressly, this policy applies to any person connected to and using any or all college provided network resources, wired or wireless.

Downloading or distributing copyrighted material without permission from the rightful owner violates the United States Copyright Act. Those who obtain or distribute copyrighted material should be aware that if found liable for copyright infringement, the penalties can be severe, depending upon the amount and the willfulness of the infringing activity. In a civil lawsuit, one found liable for copyright infringement can be ordered to pay damages of as much as $30,000 per copyrighted work infringed. This penalty can be increased to $150,000 per infringed work in cases of particularly flagrant infringement. In the most serious and widespread cases of copyright infringement, criminal prosecution is possible.

Additionally, students, faculty and staff in violation of copyright law place not only themselves at risk but also expose Maine Maritime Academy to liability as an institution, for contributory or vicarious infringement by using the Academy's network resources to obtain the material and/or to store the material on Academy computers and/or servers.

Definitions

For the purposes of this Policy Statement, the following definitions shall apply:

"*Copyright Infringement*" shall be defined as the download or distribution of copyrighted material (documents, programs, music, movies, videos, text, etc.) without permission from the rightful owner. While it is true that a number of artists have allowed their creative works to be freely copied, those artists remain very much the exception. It is best to assume that all works are copyright-protected except those that explicitly state otherwise.

General Policy

It is the policy of Maine Maritime Academy that the Academy's network connections may not be used by anyone to violate copyright laws. Employees who violate this policy are subject to disciplinary action. Students who violate this policy are subject to the following actions:

- **1st offense:** Student's machine is immediately removed from the network. Student will be notified by mail of the violation. Student must remove software in violation and sign a violation log, acknowledging violation of the policy and promising to refrain from such activity. Student's network access is reinstated. Student will be issued a letter of warning from either the Dean of Student Services office or the Regimental office.

- **2nd offense:** Student's machine is immediately removed from the network for one month. Student will be notified by mail of the violation. Student must participate in mandatory education session given by the IT department regarding the use of peer to peer sharing applications and copyright infringement law. Student signs violation log acknowledging their understanding of the issue, participation in the education session, and agreement not to violate the policy. Student's network

access is reinstated. Student can expect to be charged with a Class II violation of the Regimental Manual or a Class II violation of the Community Code of Conduct.

- **3rd offense:** Student's machine is immediately removed from the network for the remainder of the academic year. Student will be notified by mail of the violation. Student must sign an agreement acknowledging their loss of network privileges. Student can expect to be charged with a Class I violation of the Regimental Manual or a Class III violation of the Community Code of Conduct. In either case, dismissal is likely.

Note that this policy is **compounding** in nature**.** Students **DO NOT** start each year with three new strikes.

Remediation

Peer-to-peer file sharing applications should be removed from any computer that connects to the Academy's network. Assistance with application removal is available by contacting the Help Desk (Helpdesk@mma.edu or 207-326-2240).