Copyright Infringement Policy

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.

The Higher Education Opportunity Act of 2008 (HEOA) includes provisions that are designed to reduce the illegal uploading and downloading of copyrighted material through peer-to-peer (P2P) file sharing. These provisions include requirements that:

- Institutions certify to the Secretary of Education that they have developed plans to “effectively combat” the unauthorized distribution of copyrighted material.
- Institutions make an annual disclosure that informs students that the illegal distribution of copyrighted materials may subject them to criminal and civil penalties and describes the steps that institutions will take to detect and punish illegal distribution of copyrighted materials.
- Institutions publicize alternatives to illegal file sharing.

American University of Health Sciences currently employs bandwidth-shaping technology to prioritize network traffic and blocks students’ ability to access these sites from the student computer networks. American University of Health Sciences responds promptly to legitimate notices or letters of illegal copyright infringement based on the requirements of the Digital Millennium Copyright Act and directs both its Information Technology and Compliance departments to investigate and respond.

Sanctions

American University of Health Sciences will cooperate fully with any investigation by public authorities related to illegally downloaded copyrighted information. Students found guilty will be subject to the full extent of fines and penalties imposed, as well as facing automatic loss of American University of Health Sciences network access, and possible suspension.

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 attorney 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 website of the U.S. Copyright Office at https://copyright.gov/

Annual Disclosure and Education

Consistent with its educational principles, AUHS views education as the most important element in combating illegal sharing of copyrighted materials. The University uses a wide variety of methods to inform its community about the law and its internal response to copyright infringement claims:

- In order to use University computer resources, all students enrolled in American University of Health Sciences will endorse a Computer User Agreement that includes a section on copyright compliance.
- Posters are being mounted in student computer labs and Learning Commons to educate students and discourage illegal file sharing.

Alternatives to Illegal File Sharing

American University of Health Sciences does not block access from campus to all legitimate sources of copyrighted material. Although it cannot maintain an up-to-date list of alternatives, it points students to the Educause list at https://www.educause.edu/. American University of Health Sciences will review this plan each year to ensure it is current and maintains the appropriate and necessary information to effectively combat illegal file sharing, as well as update the methods employed as new technological deterrents become available.