

Azusa Pacific University's Written Plan to Effectively Combat the Unauthorized Distribution of Copyrighted Material by Users of the University's Networks

This Written Plan is adopted by Azusa Pacific University ("University" or "APU") pursuant to the Higher Education Opportunity Act (HEOA) and 34 C.F.R. §§ 668.14(b)(30) and 666.43(a)(10).

APU recognizes the importance of the legal protection that copyrights provide, both for APU faculty, staff and students who generate creative works, and for those other individuals and entities whose creative works are seen, heard, or otherwise used by those in the University community. Copyrights help to ensure that authors of creative works can control how those works are used and prevent others from capitalizing on, or using or distributing, the works without permission. The unauthorized distribution of copyrighted material such as songs, videos, games, textbooks, images, or other types of creative content, including through peer-to-peer file sharing, is prohibited by APU policy and may violate federal and international law. To effectively combat the unauthorized distribution of copyrighted material by users of APU networks, without unduly interfering with legitimate educational and research uses of those networks, the University has taken, and plans to continue taking, a number of steps. The University believes that this approach, which it will review periodically as described herein, will help to minimize the frequency with which APU networks are used for unauthorized distribution of copyrighted material.

I. Technology-Based Deterrents.

APU employs the following technology-based deterrents to the unauthorized distribution of copyrighted material: bandwidth shaping, traffic monitoring, accepting and responding to Digital Millennium Copyright Act (DMCA) notices, and commercial products designed to reduce or block illegal file sharing.

Pursuant to Information and Media Technology's ("IMT") Peer-to-Peer File Sharing Policy, all Peer-to-Peer File Sharing network activity will be monitored and usage tracked. Network activity that utilizes Peer-to-Peer applications that have a high prevalence for distributing copyrighted material will be blocked and the user quarantined from accessing external internet resources as identified in the "Enforcement of Policy" section of that Policy (which can be accessed on the APU IMT website).

II. Mechanisms for Educating and Informing the APU Community About Appropriate Versus Inappropriate Use of Copyrighted Material.

Education relating to copyrights and the differences between appropriate and inappropriate use of copyrighted material can limit unauthorized distribution of copyrighted material. APU employs a number of mechanisms for educating and informing its community about these topics and will continue its efforts to disseminate information and expand awareness. Some of the mechanisms currently in place include the following:

- A. This Written Plan, which is available on APU Library and IMT websites.
- B. Dissemination and enforcement of University policies relating to copyright issues. APU maintains a number of written policies relating to copyright issues that it expects members of the APU community to review and follow. Those policies include:
 - a. Copyright Compliance Policy (available on the website for APU's Office of General Counsel)
 - b. Copyright for Works Created at or in Affiliation with APU (available on the website for APU's Office of General Counsel)
 - c. APU School of Music Copyright Policy (available on the website for APU's Office of General Counsel)
 - d. E-Course Policy (available on the website for APU's Office of General Counsel)
 - e. Various IMT-issued copyright policies (which are available on the IMT website and which all network users agree to follow when they create and reset their network passwords), including Electronic Mail Usage, Internet Acceptable Use, Internet Access, Internet Filtering, IT Standards and Academic Technology, Mobile Computing Devices, Peer-to-Peer File Sharing Policy, and Software Copyright.
- C. The Student Standards of Conduct in the Student Handbook, which provide that, "[t]he use of peer-to-peer file sharing protocols that are known to distribute and share copyrighted material illegally is a violation of university policy and subjects violators to disciplinary action. The university must adhere to its contractual obligations and comply with all copyright laws, and expects each members of the APU community to do the same. Anyone who violates this policy may be subject to discipline as outlined in the staff, faculty, or student handbooks, and could face additional and possibly costly civil or criminal liability."
- D. The APU Employee Handbook contains proscriptions on the use of APU resources to violate copyright law, including in the sections on Electronic Mail Usage (section 5.15) and Internet Usage (section 5.16).
- E. The APU Faculty Handbook likewise proscribes violations of copyright law in teaching at APU (section 10.3).
- F. University Libraries resources for understanding appropriate versus inappropriate uses of copyrighted material includes copyright education and information available, posted at the Libraries' website.
- G. University Bookstore resources for understanding appropriate versus inappropriate uses of copyrighted material includes the Copyright Clearance Center, accessible at:
<http://www.bookstore.apu.edu/faculty.asp?#CP> and Copyright.
- H. The University requires all new faculty to attend a workshop that includes specific content on appropriate use of copyrighted materials. Moreover, the University will implement periodic training for current faculty that will address the appropriate use of copyrighted materials.
- I. All class syllabi should contain a notice on copyright responsibilities.

Collectively, these documents constitute and describe APU's institutional policies and sanctions related to copyright infringement, and include (i) a statement that explicitly informs students that unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may subject the students to civil and criminal liabilities, (ii) a summary of the penalties for violation of federal copyright laws, and (iii) a description of the institution's policies with respect to unauthorized peer-to-peer file sharing, including disciplinary actions that are taken against students who engage in illegal downloading or unauthorized distribution of copyrighted materials using the institution's information technology system.

III. Procedures for Handling Unauthorized Distribution of Copyright Material, Including Disciplinary Procedures.

The materials catalogued in the previous section of this Written Plan also address APU's procedures for handling instances of unauthorized distribution of copyright material, including disciplinary procedures.

IV. Procedures for Periodically Reviewing the Effectiveness of This Written Plan.

The University shall review this Written Plan and related APU policies and procedures as necessary and appropriate given developments in technology, law, regulation and policy, but it shall conduct a formal review of the Written Plan no less than every two years. The review shall be led by the Copyright Compliance Committee, which includes members of IMT, University Libraries, the University Bookstore, the Office of General Counsel, and others as necessary. The review may include an evaluation of current best-practices at similarly situated institutions of higher education, and a consideration of the effectiveness of APU's technology-based deterrents. Pursuant to federal law, APU retains discretion and authority for determining what its plan for compliance will be.

V. Legal Alternatives To Download/Acquire Copyrighted Material

In addition to its efforts to educate and inform the University community about issues relating to copyrighted material and its procedures for handling allegations that copyrighted material has been distributed in an unauthorized manner, the University provides information about legal means of downloading and acquiring copyrighted material. The Library Guide on "Copyright Alternative: Legal Sources for Downloading Copyrighted Material" is accessible at <http://apu.libguides.com>.

The University will periodically review the available legal alternatives for downloading or otherwise acquiring copyrighted material, and make available the results of that review to the University community by updating the Library Guide on "Copyright Alternative: Legal Sources for Downloading Copyrighted Material" as needed.