

Athena Career Academy Copyright Infringement Policy

Introduction

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

This document outlines Athena Career Academy’s plan to comply with these requirements.

Plans to “Effectively Combat” the Unauthorized Distribution of Copyrighted Material

Athena Career Academy currently employs Arakya LLC to prioritize network traffic, and blocks students’ ability to access these sites from the student computer networks.

Athena responds promptly to legitimate notices or letters of illegal copyright infringement based on the requirements of the Digital Millennium Copyright Act.

Sanctions

Athena Career Academy 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 Athena Career Academy 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 Web site of the U.S. Copyright Office at www.copyright.gov, especially their FAQ's at www.copyright.gov/help/faq.

Annual disclosure and education

Consistent with our educational principles, we view education as the most important element in combating illegal sharing of copyrighted materials at Athena Career Academy. We use a wide variety of methods to inform our community about the law and our internal response to copyright infringement claims:

- In order to use college computing resources, all students enrolled in Athena Career Academy will endorse a Computer User Agreement that includes a section on copyright compliance.
- Posters are being mounted in student computer labs to educate students and discourage illegal file sharing.

Offering alternatives to illegal file sharing

Athena Career Academy does not block access from campus to all legitimate sources of copyrighted material. Although we cannot maintain an up-to-date list of alternatives we point students to the Educause list at <http://www.educause.edu/Resources/Browse/LegalDownloading/33381>.

Maintenance of this plan

Athena Career Academy will review this plan each year to insure 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.