



National University of Health Sciences General Policies

Title: **Digital Millennium Copyright Act
Violations Notice**

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Date Adopted: 04/09/2013

Date(s) Revised:



President



Date

Purpose

The purpose of this policy is to set forth the procedures the *National University of Health Sciences* (NUHS) shall follow when an official violation notice (valid subpoena) of the ***Digital Millennium Copyright Act*** has been received.

Scope

This policy applies to all users of NUHS networks, whether the computer being used is a campus-owned computer or one that belongs to a person who uses any University computing resource.

Policy Statement(s)

Users of any NUHS computing resource may not use the resource(s) to upload, download, or otherwise illegally "share" copyrighted materials (files, programs, songs, videos/movies, etc.). To do so violates NUHS University policy and federal legislation known as the ***Digital Millennium Copyright Act*** (DMCA).

Justification

When NUHS receives DMCA complaints, Recording Industry Association of America (RIAA) preservation notices or RIAA pre-settlement, subpoenas, and/or settlement letters, they are taken seriously and acted upon accordingly. NUHS does not release, or act upon; any information until/unless a valid subpoena is received.

Enforcement

When NUHS has been notified (by valid subpoena) of a copyright violation, the University is required by Federal Law to remove the copyrighted materials from the NUHS computing resource. If the Office of Computer Services does not have control of the computer, the network access may be revoked. Violation of any federal law for students is a violation of the ***NUHS Student Code of Conduct*** under "Prohibited Conduct," page 10. Faculty and staff members shall be held accountable to similar provisions within the ***NUHS Faculty or Employee Handbook***.

With the first complaint, a letter is sent by the Dean of Students for students, the Vice President for Academic Services for faculty members, or the Vice President for Administrative Services for staff members; and the offending material must be removed from the computer. Second and subsequent complaints have higher penalties. Moreover, the offender is subject to penalties for copyright infringement that

may include civil and criminal charges. 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 attorneys' fees. For details, see Title 17, United States Code, Sections 504, 505.