



Title: Peer-To-Peer File Sharing Policy

Policy:
No.: ADM 10.02

Date: 7/1/10
Rev.: 8/1/14, 8/1/18

Areas Affected: All Users of College's Systems

Page 1 of 3

Purpose

This policy applies to all persons (students, faculty, staff, volunteers, contractors, consultants, and other members of the public - "users") who use the College's network and/or information technology resources ("systems"). It details the College's plans to effectively combat the unauthorized distribution of copyrighted material by users of the College's systems, without unduly interfering with the legitimate educational and research use of these systems. It also provides for annual disclosures to students on the College's policies and sanctions related to unauthorized peer-to-peer file sharing, as required by the Higher Education Opportunity Act of 2008.

Additionally, this policy is intended to mitigate the College's potential exposure to security risks and liabilities associated with the exploitation of peer-to-peer applications to illegally use, distribute, and/or store copyrighted materials on the College's systems.

Policy Statement

It is the College's intent to maintain the integrity of its systems in compliance with Bon Secours Health System Information Services policies and is committed to preventing, in so far as practicable, the misuse of the College's systems, including the unauthorized distribution of copyrighted material by users of its systems, without unduly interfering with educational and research use. This policy does not ban legal peer-to-peer file sharing through use of the College's systems, and the College will continue to support technologies that facilitate legitimate information dissemination and academic collaboration.

Definitions

College Computer – Any computer that is owned, leased, or rented by Bon Secours Health System whether such computer is located on or off College premises.

College Network – Any part of the College's data, voice, or video network physically located on any College owned, leased, or rented property or located on the property of any third party with the permission of that party. This includes devices on such network assigned and routable and non-routable IP addresses and applies to the College's wireless network.

Digital Millennium Copyright Act (DMCA) – A federal law passed in 1998 that revised copyright law for the digital environment to, among other things, define how alleged copyright infringements are to be handled.

Peer-to-Peer (P2P) - A network environment where participants share their resources (such as files, disk storage, or processing power) directly with their peers without having to go through an intermediary network host or server.

Reference Policy #IS-006, ADM 1.13, ADM 7.01

Approved by:
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Signature

Dean of Administration
Provost/VP
Title

8-1-18
Date

Approval History:
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Peer-to-Peer File Sharing Applications - Programs or services that use P2P technology to share music, movies, software, or other digitally stored files.

Prohibited Activity

It is a violation of this Policy to use the College's systems to distribute, download, upload, stream, scan, store, or share any material including software, data, document, sound, music, video, picture, design, graphic, game, or any other electronic file when:

- (a) The file is copyrighted but distribution to the user has not been authorized by the copyright owner;
- (b) The intended use under the relevant circumstances is specified as illegal by any federal or state law, statute, regulation, proclamation, order, or decree;
- (c) When the material is considered by the College to be protected information, and the user is not authorized to access that information for the purpose intended; or
- (d) When the user's intent is deployment or introduction of any virus or malware on any College system.

Users shall not attempt to circumvent, bypass, defeat, or disrupt any device, method, or technology implemented by the College to deter unauthorized distribution, downloading, uploading, streaming, scanning, storage, or sharing of copyrighted material by users on the College's systems.

Disclosure

The Dean of Administration shall be responsible for disseminating through the College's website, email, orientation, and/or student publications an annual notice to enrolled students that summarizes the College's policies and sanctions related to infringement of copyright (as defined in the College's Copyright Policy) including: A statement that explicitly informs its students that the unauthorized distribution of copyrighted material, including peer-to-peer file sharing, may subject the student to civil and criminal liabilities and a summary of the penalties for violation of Federal copyright laws. It is incumbent upon the student to be aware of what constitutes copyright infringement or peer-to-peer file sharing that may violate this policy.

Enforcement

The College's systems are not to be used for any illegal purpose including, but not limited to, illegal file sharing. To preserve system security and reliability, the College reserves the right in all instances, and upon its reasonable suspicion, to block access from and to its systems and/or to disconnect from its systems any user who can be traced to illegal activities, including illegal P2P file sharing. An infringing user shall bear legal and financial responsibility for events or activities resulting from, or associated with, the misuse of P2P applications and any other illegal activity conducted using the College's systems.

In addition to barring access to the College's systems, any users who violate this policy may also be subject to other appropriate discipline, up to, and including, termination of employment and/or expulsion. No final adverse action may be taken, however, with respect to any employee or student of the College unless such employee or student is afforded a meaningful opportunity to contest the adverse action. Disciplinary proceedings involving students alleged to have violated this policy shall be conducted in accordance with those procedures specified in the College Catalog. Disciplinary proceedings involving employees alleged to have violated this policy shall be conducted in accordance with Bon Secours Human Resources policies.

In addition to the above actions, the unauthorized acquisition or distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may subject culpable individuals to civil and criminal liabilities. To the extent required by federal or state law, or when the College otherwise deems it to

be in its best interest, the College will report certain illegal activities to designated law enforcement agencies without prior warning or notice to the infringing user.

