
Policy Name:	Peer-to-Peer File Sharing
Policy Number:	ADM 10.02
Title of Policy Owner:	Director of Information Technology
Approved by:	Policy Committee/Administrative Cabinet
Effective Date:	8/1/2020
Version:	1.0
Policy Status:	Approved

I. Policy

The 2008 Higher Education Opportunity Act further requires the College to assist in the effort to combat copyright infringement by taking affirmative steps to prevent the use of College technology for illegal peer-to-peer (P2P) file sharing.

The College may be required to report or respond to reports of illegal file sharing. These violations may result in College disciplinary procedures and both civil and criminal penalties for the offending individual.

It is incumbent upon students and College personnel to be aware of what constitutes copyright infringement and how peer-to-peer file sharing may violate this policy.

II. Purpose

The purpose of this policy is three-fold:

- 1) To combat the violation of intellectual property rights and unauthorized distribution of copyrighted material through College resources.
- 2) To inform stakeholders of their rights and responsibilities.
- 3) To mitigate the College's potential exposure to liabilities associated with intellectual property infringement by employing the protections afforded by the Digital Millennium Copyright Act (DMCA).

III. Scope

This policy applies to all students who use College technologies. This policy does not prohibit appropriate file sharing, and the College will continue to support technologies that facilitate legitimate information dissemination and academic collaboration.

IV. Definitions

Peer-to-Peer (P2P) File Sharing – The process of sharing files (e.g. music, movies, e-books, applications, etc.) from one person to another using technology (e.g. BitTorrent).

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.

V. Policy Details

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

Enforcement

The College reserves the right in all instances, and upon its reasonable suspicion, to block access from and to its technologies for any user who can be traced to illegal activities, including illegal P2P file sharing. The College employs automated technologies to assist in enforcement.

Penalties

Individuals who violate this policy may be subject to appropriate discipline up to and including:

- Permanent loss of access to College technologies and systems.
- Expulsion.
- No final adverse action may be taken, however, with respect to any student of the College unless the student is afforded a meaningful

opportunity to contest the adverse action, per the appeals process policy.

In addition to the above actions, copyright holders and their representatives may take legal action against infringers, and the resulting penalties can be severe. Courts may award the victim of infringement actual damages (for example the amount of lost profits resulting from the infringement), or statutory damages ranging from \$750 to \$30,000 per work infringed. In cases of willful infringement, courts may award as much as \$150,000 per work infringed. In some instances, courts may also award the copyright holder their reasonable attorneys' fees incurred in enforcing their rights. The law even permits a court to impose criminal penalties including fines and imprisonment.

Disclosure

The Director of Information Technology 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 peer to peer file sharing.

VI. Attachments
None

VII. Related Policies
None

VIII. Disclaimers
a. Nothing in this policy creates a contractual relationship between Bon Secours Memorial College of Nursing (BSMCON) and any party. BSMCON, in its sole discretions, reserves the right to amend, terminate or discontinue this policy at any time, with or without advance notice.

IX. Version Control

Version	Date	Description	Prepared by
1.0	5/11/2020	Revisions, name change, new template	Director of Information Technology

