

Policy Name: Peer-to-Peer File Sharing
Policy Number: ADM 10.02
Title of Policy Owner: Director of IT
Policy Type: RHEI/Shared Services BSMCON SCHS SOMI
Approved by: RHEI Leadership Team
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Version: 1.1
Policy Status: Approved

I. Policy

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

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

It is incumbent upon students and School 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 School resources.
- 2) To inform stakeholders of their rights and responsibilities.
- 3) To mitigate the School'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 School technologies. This policy does not prohibit appropriate file sharing, and the School 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 School'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 School to be protected information, and the user is not authorized to access that information for the purpose intended

Enforcement

The School 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 School 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 School technologies and systems.
- Expulsion.
- No final adverse action may be taken, however, with respect to any student of the School 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 School's website, email, orientation, and/or student publications an

annual notice to enrolled students that summarizes the School's policies and sanctions related to peer to peer file sharing.

VI. Attachments

None

VII. Related Policies

None

VIII. Disclaimers

Nothing in this policy creates a contractual relationship between the School and any party. The School, 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	8/15/2021	Initial version	Director of Information Technology
1.1	4/17/2024	Policy Adoption & Minor Revision	Director of Information Technology