



POLICY NUMBER: IT-011

DIVISION: NET Services

POLICY: Unauthorized Peer-to-Peer File Sharing Policy

ISSUED BY: Chief Information Officer & VP of Student Affairs

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INTRODUCTION

Unauthorized distribution of copyrighted material is illegal and carries substantial civil and criminal penalties under the [Digital Millennium Copyright Act](#) (DMCA) and other laws. Northern State University respects the intellectual property rights of others and expects students, faculty, and staff to do so as well. It is the responsibility of all members of the NSU community to make a good faith determination that their use of copyrighted materials complies with the [United States Copyright Law](#) and this policy or to seek assistance from NSU copyright advisors (Director of Library and Director of Media Services).

Northern State University (NSU) prohibits the use of its network to illegally distribute, download or share copyrighted materials. Proper use of copyright materials also extends to electronic resources available on the internet. Anyone using NSU computing and network resources consents to the [SDBOR Acceptable Use Policy](#). For more information on NSU's policy, visit <http://www.northern.edu/it/Pages/security/p2p.aspx>

PURPOSE

The purpose of this policy and associated procedural documents is to define how NSU will respond to the unauthorized distribution, download or sharing of copyrighted material using the University's network, including disciplinary action and penalties for the unauthorized distribution, downloading or sharing of copyrighted material.

SCOPE

This policy applies to all users of the NSU network and information systems.

BACKGROUND

The [Higher Education Opportunity Act \(HEOA\)](#) was signed into law on August 14, 2008. Proposed regulations for implementing the act were issued by the Department of Education on August 21, 2009. Enforcement of the HEOA provisions formally started on July 1, 2010, and all colleges and universities were expected to be in compliance.

Several sections of the HEOA deal with unauthorized file sharing on campus networks. The HEOA imposes three general requirements on all U.S. colleges and universities.

1. An annual disclosure to students describing copyright law and campus policies related to violating copyright law must be made available.
2. A plan to "effectively combat the unauthorized distribution of copyrighted materials" by users of its network, including "the use of one or more technology-based deterrents" must be in place and active.
3. Institutions must have in place a plan to "offer an alternative(s) to illegal downloading."

DEFINITIONS

- Peer-to-peer (P2P) file sharing programs are useful tools for exchanging data at high speeds. Due to this attribute, P2P programs are also the primary method for illegally sharing copyrighted material such as movies, music, television shows, and video games.
- Users of P2P programs should be aware that these programs are often designed to search the contents of a user's hard drive and share files such as movies and music without explicit notice to or permission from the user.
- NSU may receive notices from outside groups (like those affiliated with the recording industry such as RIAA and MPAA) that University network users are engaging in unauthorized file sharing in violation of the DMCA (a "DMCA notice").
- When the University receives a DMCA notice, it has a legal obligation to provide the user with a copy of the notice and to act to stop unauthorized file sharing on the University's network.
 - For more information on the DMCA and its use, see:
<http://www.educause.edu/resources/Browse/DMCA/31236>.
- DMCA notices may relate to a user's possession and sharing of copyrighted material obtained through unauthorized file sharing, or a user's unauthorized sharing of copyrighted material that the user legally owns.
- A user who receives a DMCA notice related to material obtained without legal authorization must delete the material from the user's computer.
- A user who receives a DMCA notice related to sharing legally owned material must cease sharing the material. Users may also be required to delete P2P programs from the user's computer as well.

POLICY

NSU NET Services will utilize the NSU HEOA Copyright Compliance Plan to reduce and/or eliminate incidents of P2P file sharing programs that include technology-based deterrents, education, and publication of legal alternatives. Upon receipt of an official DMCA notice, NSU NET Services and the office of Student Rights and Responsibilities will follow procedures outlined in the NSU HEOA Procedures document.

