



SUBJECT: Information Technology

POLICY: 405.1 Peer-to-Peer File Sharing

RELATED PROCEDURE:

EFFECTIVE: June 2010

REVISED:

REVIEWED: February 2014

Introduction and Purpose

The primary purpose of this policy is to inform, educate and set expectations for the members of the college community of their individual and corporate responsibilities towards the use of Peer-to-Peer applications using the college network.

Scope

This policy addresses the issues, impacts and concerns with file sharing aspects of Peer-to-Peer networking applications using the College's network.

Background

Great Falls College MSU maintains a campus network to support and enhance the academic and administrative needs of our students, faculty, staff and other campus users. The college is required by Federal Law – H.R. 4137, Higher Education Opportunity Act (HEOA) – to make an annual disclosure informing students that illegal distribution of copyrighted materials may lead to civil and/or criminal penalties. Also, the HEOA requires institutions to take steps to detect and punish users who illegally distribute copyrighted materials. The College must certify to the Secretary of Education that a policy is in place. Finally, the HEOA requires the College to provide alternatives to illegal file sharing. All users are encouraged to check the list of [Alternatives to Illegal Downloading](#).

Although the HEOA makes reference only to students using Peer-to-Peer, this policy applies to all College network users. The College reserves the right to suspend or terminate network access to any campus user if the violation is deemed severe. Likewise, network access may be suspended if any use is impacting the operations of the network. Violations may also be reported to appropriate authorities for criminal or civil prosecution.

While the definition itself is controversial, generally a peer-to-peer (often referred to as P2P) computer network refers to any network that does not have fixed clients and servers, but a number of peer nodes that function as both clients and servers to the other nodes on the network. This model of network arrangement contrasts with the client-server model. Any node is able to initiate or complete any supported transaction. Peer nodes may differ in local configuration, processing speed, network bandwidth, and storage quantity. Put simply, peer-to-peer computing is the sharing of computer resources and services by direct exchange between systems.

This policy intends to make it clear that P2P architecture, itself, is not in question. What is a concern, however, is one of the most prevalent uses of this technology, P2P File Sharing applications used for the distribution of copyrighted content. BitTorrent, µTorrent, Limewire, Morpheus, KaZaA, Aimster, Madster, AudioGalaxy and Gnutella, are examples of the kinds of P2P File Sharing software which can be used inappropriately to share copyrighted content. Other types of software included in this policy are Skype and other similar communication systems.

For the purposes of this policy, a peer-to-peer file sharing application is any application that transforms a personal computer into a server that distributes data simultaneously to other computers.

Policy

It is the policy that the College's network connections may not be used to violate copyright laws. The unauthorized reproduction of copyrighted materials is a serious violation of Great Falls College MSU acceptable use policy, as well as the U.S. Laws, as discussed above.



All Peer-to-Peer File sharing network activity will be monitored. Network activity that utilizes Peer-to-Peer applications that have a high prevalence for distributing copyrighted material will be blocked and the user quarantined from accessing external internet resources as identified in the Enforcement section of this document.

If an artist, author, publisher, the Recording Industry Association of America (RIAA), the Motion Picture Association of America (MPAA), or a law enforcement agency notifies the College that a Faculty/Staff member or Student is violating copyright laws, GFC MSU will provide to the relevant offices within the College information in the form of Internet Protocol (IP) address information and any information from logs to assist in the investigation of the complaint. If appropriate, action will be taken against the violator in accordance with campus or college policy. In some cases, violations of policy can result in suspension or revocation of network access privileges without refund of network access fees and/or civil or criminal prosecution under state and federal statutes.

Enforcement of Policy

First Violation

The first time a report of distributing or downloading copyrighted files is received, the person who was using the computer at the given time is notified by the Chief Technology Officer (CTO) of the violation via an email sent to their campus email address and their immediate supervisor. In the case of student laptop users, the student's laptop connection to the wireless network will be suspended.

If peer-to-peer network traffic is found then network access is suspended (the user's network connection is disabled) immediately until the situation is resolved. E-mail and other accounts are not disabled. The user is required to submit a signed Technology Copyright Violation Certification Page that states that the user understands copyright issues and the ramifications of a subsequent offense or to demonstrate that the notification was unwarranted.

Network access will be restored no sooner than two business days after receipt of the signed certification page. The CIO will send notifications via email of violations to the appropriate department chair, dean, supervisor, sponsor and/or other appropriate personnel.

If the user feels the warning is erroneous, he/she must show evidence to the CTO that the file(s) was used legally or was not copyrighted. Notifications of all violations will be maintained by Information Technology. If any notification is shown to be unwarranted, no record of the violation notification is retained.

Second Violation

If a second notification of violation is received, network access shall be suspended immediately. The user is again informed of the violation by email from the CIO. Second violations are referred to the Chief Student Affairs and Human Resources Officer – student violations are recorded as a Code of Conduct Violation and those involving faculty or staff will be forwarded to the appropriate Executive Team officer of the violation. Network access is not restored, if at all, until the case is ruled on by the Chief Student Affairs and Human Resources Officer, or reviewed and decided by the appropriate Executive Team officer and the Chief Student Affairs and Human Resources Officer. The Chief Student Affairs and Human Resources Officer or the Executive Team officer can impose whatever sanctions – including termination of network access; probation, suspension, expulsion (for students); or disciplinary action (for faculty and staff) – as deemed appropriate.

The existence and imposition of the College's sanctions do not protect members of the campus community from any legal action by external entities or the college itself.