

Saint Vincent College IT Policies and Procedures**Policy Title: PEER-TO-PEER FILE SHARING POLICY**

Approved By: Br. Norman Hipps, President

Approved Date: January 20, 2015

Effective Date: January 20, 2015

Revised Date: January 20, 2015

Author: P. Mahoney, CIO

Department: Information Technology

I. PURPOSE:

- A. This document is written to educate, inform, and set expectations for the Saint Vincent user community about the use of Peer-to-Peer (P2P) file sharing on the College's network, Resnet, and Internet connection. P2P file sharing is the practice of sharing files or data over the Internet or local area networks with other users. P2P file sharing programs are not necessarily illegal unless they are used in a way that violates copyright laws by sharing copyright-protected files without authorization by the copyright owners. However, along with copyright infringement, other concerns include excessive network resource utilization, security issues, virus and spyware infection, and the dissemination of inappropriate content. Using P2P file sharing software to distribute copyrighted materials without permission violates U.S. copyright laws and can lead to both civil and criminal penalties.
- B. Saint Vincent College and our Residence Hall Internet Service Provider (Apogee) are required to monitor for these activities in order to abide by pertinent laws such as the Higher Education Opportunity Act (HEOA) and Digital Millennium Copyright Act (DMCA). The P2P software being used could be illegally sharing files, even if that is not the intent of the user, which is why it is important for users to notify the IT Department if they plan to use this type of software so the IT staff can help educate users on the best and safest approach to accomplish their need and to ensure users are not taking unnecessary risks.

II. IMPACT:

- A. Participants (scope): All end users (administration, faculty, staff, students, Monks, Priests, and alumni with accounts) of the Saint Vincent community.
- B. Implementation: The CIO is responsible for implementation and interpretation.
- C. Other Affected Parties: All stakeholders.
- D. Potential Impact: There is a substantial budgetary, legal, and logistical impact required to ensure this policy is enforced; however it is essential to protecting the intellectual and financial data and physical technological assets of the institution.
- E. Exceptions: N/A

III. COMPLIANCE:

- A. Strategic Plan (if applicable): IT Strategic Plan.
- B. Applicable Laws (if applicable): Policy makes best effort to support compliance of GLBA Safeguards Rule, DMCA, HEOA, CALEA, HIPAA, CAN-SPAM Act, Fair Credit Reporting Act, USA PATRIOT Act, FTC Red Flags Rule, Fair and Accurate Credit Transactions Act, and dozens of other privacy/security-related laws and regulations.
- C. Remediations/Sanctions: The risks created by P2P file sharing require that the College and Apogee investigate any unauthorized use of this technology occurring on the College's network, Resnet, and Internet connection. Violations of these Policies and Procedures will subject the user to remedial or disciplinary action, as warranted.
- D. Authorization: President, SVC Legal Counsel, and CIO have authorization for approving this policy.

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- E. Exceptions: Any member of the President’s Senior Cabinet/Council can request day-to-day policy exceptions, but notice should be provided accordingly as granted.

IV. POLICY AND PROCEDURE ELEMENTS: Provide the following policy elements if appropriate

- A. Index: N/A
- B. Definitions: N/A
- C. Statement of Need, History: To meet internal and external compliance and audit requirements.
- D. Body of policy and procedures: as follows:

Acceptable Use

All members of the Saint Vincent community are required to follow the College's Acceptable Use Policy (AUP). The AUP, among other things (IT Security Policy), requires that you do not illegally share copyrighted material over the College network, including through the use of the Resnet, College E-mail, College web pages, and Peer-to-Peer file sharing software. This applies to College owned computers as well as personally owned computers if they are accessing the College network either wired or wirelessly. Saint Vincent College IT Department maintains a page on the MySV Portal (mysv.stvincent.edu), which provides helpful information about copyright laws and alternatives to illegal downloading.

Background

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 illegal distribution of copyrighted content. BitTorrent, Limewire, Kazaa, Gnutella, and Morpheus are examples of the kinds of P2P file sharing software, which can be used inappropriately to share copyrighted content. It is also important to note that some applications are not pure Peer-to-Peer architectures, further reinforcing that the issues with file sharing applications have more to do with risk of abuses, than in the technology itself. 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.

Issues

Downloading or distributing copyrighted material, e.g. documents, music, movies, videos, text, etc., without permission from the rightful owner violates the Digital Millennium Copyright Act and several Saint Vincent College policies. Those who obtain or distribute copyrighted material need to be aware that if found liable for copyright infringement, the penalties can be severe, depending upon the amount and the willfulness of the infringing activity. In the most serious and widespread cases of copyright infringement, criminal prosecution is possible. Students, faculty, staff, and

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Monks who may be in violation of copyright laws place not only themselves at risk, but they may be exposing the College to liability as an institution for contributory infringement, e.g., using the Campus network resources to obtain the material and/or to store the material on college computers and/or servers.

Enforcement

It is not the College's intent to ban the use of Peer-to-Peer file sharing software from the College network. The use of such software is not per se illegal, but it is often used to commit violations of the copyright laws by sharing copyrighted materials without the authorization of the owners. Due to the serious potential for abuse of this software and the risks that it poses to the College, the College utilizes software to monitor when individuals are engaged in Peer-to-Peer file sharing. The College is required to do this to abide by various state and federal laws. It is also necessary for the College to adopt a policy that no one using the College's network or Internet connection may employ any Peer-to-Peer file sharing software without the prior advanced approval of the Information Technology Department.

The College will investigate all instances of the unauthorized use of Peer-to-Peer file sharing and reserves the right to impose remedial and/or punitive measures upon the violator. The nature of these measures will be determined by the seriousness of the offense and the willfulness of the violator, and may range from informal warnings and educational support to avoid future infractions up to and including termination or expulsion. Violators must also be aware that certain misuses of this technology may violate civil and criminal statutes and subject the offended to sanctions outside the purview of Saint Vincent College. The College will cooperate with any legitimate authority in the enforcement of these statutes.

APPENDIX:

N/A