



NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY

POLICY VII—Equipment Use 1.0

PEER-TO-PEER (P2P) POLICY

ADMINISTRATIVE POLICY

I. PURPOSE

The Digital Millennium Copyright Act (DMCA) of 1998 legally protects a copyright holder from the unauthorized use of his or her digital content. Unauthorized use means violating the user agreement or terms of use for the digital content. Illegally sharing and/or reproducing copyrighted materials such as music, videos, documents, software, and photos is considered copyright infringement. The Higher Education Opportunity Act (HEOA) includes a provision directly related to the DMCA.

The HEOA, a revision of the Higher Education Act, holds higher education institutions accountable for student illegal peer-to-peer (P2P) file sharing occurring on institutional networks. Illegal P2P file sharing is downloading, also known as copying and/or saving, copyrighted material to a hard drive or any other storage device and/or sharing or making it available to other people without the consent of the copyright holder. Higher education institutions are required to be compliant with the HEOA federal law beginning July 1, 2010.

P2P applications are used to legitimately share digital content. However, P2P applications can expose the University to legal liabilities when illegal file sharing occurs. P2P applications can also present a security risk because a downloaded file, meaning a file copied and/or saved to a hard drive or any other storage device, may actually contain a virus or a malicious program that could target and infect other machines on the network, impact the performance of the network, and compromise sensitive/confidential information.

The purpose of this policy is to inform the University community on preventative measures that will help avoid legal liability and security risks resulting from illegal file sharing.

II. SCOPE

While the Higher Education Opportunity Act applies to students only, this policy applies to an individual with one or more of the following University classifications:

- Student
- Prospective Student
- Employee (Faculty & Staff)
- Consultants and/or Vendor
- Guest
- Alumni

III. POLICY

Individuals defined within the scope of the P2P policy will be held accountable for adhering to the terms below.

- Read the user agreement or terms of use for the following digital content in order to make sure you do not use nor share digital material illegally: documents, videos, and games located on the internet, social networking sites (i.e. YouTube), purchased digital content (i.e. music, software), and peer-to-peer file sharing applications (i.e. LimeWire).
- Delete unauthorized copyrighted material from your electronic device (i.e. computer, iPod).
- Use a legal alternative to unauthorized downloading. The HEOA requires higher educational institutions to point students in the direction of legitimate sources such as <http://www.educause.edu/legalcontent> and <http://www.riaa.com/>. The University does not endorse a particular product or service. The University is not responsible for any cost nor any technology related issues resulting from the use of the legitimate sources.
- Disable the file sharing feature for P2P software if you do not have permission to share the digital material (i.e. documents, movies, games, etc.) legally; contact the software vendor for technical support.
- Follow the P2P vendor's best practices for securing the computer used for P2P activity (i.e. anti-virus software, a vendor supported operating system, personal firewall, current version of P2P application, etc.); the Federal Trade Commission has P2P best practices on its website <http://www.ftc.gov/bcp/edu/pubs/consumer/alerts/alt128.shtm>.
- For University-owned assets, P2P software can only be used to promote the mission, academic, and business needs of the University. Where applicable, P2P software is not allowed on machines that process and/or store confidential/sensitive data. The personal use of P2P applications on University-owned assets for recreational and leisure purposes is prohibited.
- If an employee's personal computer has been authorized for use by a supervisor in order to perform University related functions, the employee is responsible for securing his or her personal computer in order to prevent a data breach.

IV. ENFORCEMENT

Enforcement of the P2P policy includes the following:

- Disclosure to individuals defined in the scope on an annual basis.
- Monitoring network traffic and limiting network bandwidth.
- Implementing other technology-based deterrents as needed.

Individuals cited for unauthorized use are subjected to civil and/or criminal damages such as monetary damages and potential prison time. According to the US Copyright Office, monetary damages can range from \$200 to \$150,000 for each act (<http://www.copyright.gov/title17/92chap5.html#504>). Criminal prosecutions will result in a fine of up to \$250,000 and a prison term of up to 5 years (<http://www.fbi.gov/ipr/>) for each act. University sanctions will result in one or more of the following:

- Suspension of computing and networking privileges.
- Misconduct review.
- Termination of employment.
- Student dismissal.
- Breach of contract/agreement filed against vendors, contractors, guests, and alumni.

For University employees and students, the sanctions will be administered in accordance with applicable University policy, federal and/or state law and/or regulation, the student handbook, the faculty handbook, Human Resources policies, and the Office of State Personnel policies and procedures.

The enforcement criteria will be used to evaluate the effectiveness of the P2P policy on an annual basis.

References:

Digital Millennium Copyright Act (DMCA) <http://www.copyright.gov/>
EDUCAUSE On-line Resources <http://www.educause.edu/Resources/Browse/HEOA/34600>
Federal Trade Commission <http://www.ftc.gov/bcp/edu/pubs/consumer/alerts/alt128.shtm>
Recording Industry Association of America (RIAA) <http://www.riaa.com/>
US Copyright Office <http://www.copyright.gov/>
US Department of Education <http://www2.ed.gov/policy/highered/leg/hea08/index.html>

Related Policies, Standards, Guidelines, Processes, etc.:

Not Applicable

Approved by the Chancellor

Date original is effective: Upon approval

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Revised: