

Purpose: To detail PA College's plans to effectively combat the unauthorized distribution of copyrighted material by users of the organization's computer network without unduly interfering with the legitimate educational use of the network. Additionally, this policy is intended to mitigate PA College's potential exposure to security risks and liabilities associated with the exploitation of P2P applications to illegally use, distribute and/or store copyrighted materials on the College's network.

Policy Statement

PA College is committed to preventing, in so far as practicable, the misuse of the College's computer network including but not limited to the unauthorized distribution of copyrighted material by users of its network. It is PA College's intent to maintain the integrity of its computer network, without unduly interfering with educational and research use by utilizing the methods described in this Policy. This Policy does not ban legal file sharing through use of the college network and PA College will continue to support technologies that facilitate legitimate information dissemination and academic collaboration.

Scope

This policy applies to all employees, students, volunteers, contractors, vendors, medical and dental staff, medical office staff members and all other users of PA College's network services using PA College equipment or personally owned electronic equipment (Users).

This policy also applies to the College's network and all other college information technology resources. This includes any other information technology resource made available to the college community through a college vendor-sourced network; and other electronic device regardless of ownership when such device is actively using the college network. The physical location of any computer or other device is irrelevant to whether or not a violation of this policy exists.

Definitions

- **PA College:** Pennsylvania College of Health Sciences
- **College Computer:** Any computer which is owned, leased or rented by PA College whether such computer is located on or off college premises.
- **PA College Network:** Any part of the PA College data or voice network physically located on any PA College owned, leased or rented property, including the College's wireless network.
- **Peer-to-Peer:** A network environment where participants share their resources (such as files, disk storage or processing power) directly with their peers without having to go through an intermediary network host or server.

Prohibited Activity

It is a violation of this Policy to use the college network 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:

- The file is copyrighted and distribution to the user has not been authorized by the copyright owner.
- The intended use under the relevant circumstances is specified as illegal by any federal or state law, statute, regulation, proclamation, order or decree.
- When the material is considered by PA College to be protected information and the user is not authorized to access that information or to access that information for the purpose intended.

Users shall not attempt to circumvent, bypass, defeat or disrupt any device, method or technology implemented by PA College for the purpose of implementing this policy.

Procedures for Combating Unauthorized Peer to Peer File Sharing

PA College will utilize technology-based deterrents to combat the unauthorized downloading, uploading, streaming and storage of copyrighted material via hardware filtering appliances and policies to block certain file types on personal network storage locations. PA College routinely monitors disk space on shared drives for unordinary usage.

General user accounts on PA College computers are limited in access and do not allow for normal users to install applications or programs on the local hard drive.

Educate and Inform the College Community

PA College makes all policies available to students via the student handbook which is available through their external facing Internet website. Every year each student must submit written or electronic proof they have read and understand PA College's policies. Excerpts of PA College computing policies are also included in the student orientation documentation provided to all students during their first semester.

Summary of Civil and Criminal Penalties for Violation of Federal Copyright Laws

Copyright infringement is the act of exercising, without permission or legal authority, one or more of the exclusive rights granted to the copyright owner under section 106 of the Copyright Act (Title 17 of the United States Code). These rights include the right to reproduce or distribute a copyrighted work. In the file-sharing context, downloading or uploading substantial parts of a copyrighted work without authority constitutes an infringement.

Penalties for copyright infringement include civil and criminal penalties. In general, anyone found liable for civil copyright infringement may be ordered to pay either actual damages or "statutory" damages affixed at not less than \$750 and not more than \$30,000 per work infringed. For "willful" infringement, a court may award up to \$150,000 per work infringed. A court can, in its discretion, also assess costs and attorneys' fees. For details, see Title 17, United States Code, Sections 504, 505.

Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five years and fines of up to \$250,000 per offense.

For more information, please see the Web site of the U.S. Copyright Office at www.copyright.gov, especially their FAQ's at www.copyright.gov/help/faq.

Enforcement

PA College networks are not to be used for any illegal purpose including, but not limited to, illegal file sharing. To preserve network security and reliability PA College reserves the right in all instances, and upon its reasonable suspicion, to block access from and to its network of any IP address associated with illegal activity and/or to disconnect any user from the network who can be traced to illegal activities, including illegal P2P file sharing. An infringing user shall bear legal and financial responsibility for events or activities resulting from or associated with his/her own misuse and any other illegal activity conducted by or through the College's network.

Pennsylvania College of Health Sciences
ADMINISTRATIVE POLICY STATEMENT

Issued: 08/18/12
Last Revised: 07/19/16
Last Reviewed: 07/19/16

Policy 10.6.7

Peer to Peer File Sharing

Page 3 of 3

Students, Faculty and Staff: In addition to barring access to network resources, a student, faculty or staff member who violates this policy may also be subject to other appropriate discipline, up to and including termination of employment and/or expulsion.

Audience:	College Community
Date Issued:	08/18/12
Date Revised:	08/18/12, 07/19/16
Date Reviewed:	08/18/12, 07/19/16
Owner:	Associate VP of Information Technology