



<b>Policy Name:</b>	Policy on Peer-to-Peer File Sharing		
<b>Associated Forms:</b>		<b>Policy Number:</b>	2023-19
<b>Reviewed:</b>	Non-Academic Policy Committee	<b>Approved:</b>	August 17, 2023
<b>Approval Authority:</b>	President <i>Susan L Parish</i>	<b>Adopted:</b>	
<b>Responsible Executive:</b>	Vice President for Student Affairs	<b>Revised:</b>	
<b>Responsible Department:</b>	Office of Student Affairs	<b>Contact:</b>	

## **Policy Statement**

In addition to potentially violating University policy, the unauthorized distribution of copyrighted material, including through peer-to-peer file sharing, may subject a student to criminal and civil penalties. The laws that govern copyright are not specific to any one technology. Students can violate the rights of a copyright holder using many different types of technology. Both uploading and downloading of files can pose a violation of the copyright law. Students should be cautious when obtaining any copyrighted material. As a rule of thumb, before a student receives anything for free, they should research whether that source provides material licensed by the copyright owner. A list of licensed sources can be found at [www.educause.edu/legalcontent](http://www.educause.edu/legalcontent).

Under the Digital Millennium Copyright Act (DMCA), the Recording Industry Association of America (RIAA) has begun issuing subpoenas to Internet Service Providers (ISPs) to obtain the identity of individual users who are committing such acts and has begun suing those individuals under the DMCA. Acting as an ISP, the University can be subpoenaed under the DMCA for the identity of users in the University community who are illegally distributing copyrighted material. Although the University will act in accordance with the Family Education Rights Privacy Act, it might be forced to comply with such subpoenas.

Individuals who violate copyright law by illegally uploading and downloading copyrighted files may be subject to civil penalties of between \$750.00 and \$150,000.00 per song. These penalties are established by federal law. In the past, pre-litigation settlements offered by copyright owners have ranged from \$3,000 to \$4,000 and up while juries have issued verdicts of hundreds of thousands and even millions of dollars. In addition, a court may, in its discretion, grant the copyright owner reasonable attorney fees. Although criminal prosecution of students for file sharing is extremely rare, federal law lays out criminal penalties for intentional copyright infringement which can include fines and jail time.