

Mount Vernon Nazarene University (MVNU) Compliance with the Higher Education Opportunity Act (HEOA) Peer-to-Peer File Sharing

It's the Law—P2P file sharing of copyrighted material is illegal.

Uploading or downloading copyrighted material on P2P networks is illegal. H.R. 4137, the Higher Education Opportunity Act (HEOA), is a reauthorization of the Higher Education Act. It includes provisions that are designed to reduce the illegal uploading and downloading of copyrighted works through peer-to-peer (P2P) file sharing.

Your responsibility (MVNU Students and Employees)

- **Understand the law about PEER-TO-PEER (P2P) THEFT:**

A Peer-to-Peer (P2P) network is a system that enables Internet users through the exchange of digital files among individual computers or "peers" to (1) make files (including movies and music) stored on their computer available for copying by other users; (2) search for files stored on other users' computers; and (3) transfer exact copies of files from one computer to another. P2P technology itself is not illegal and may be useful for many legal purposes, but people often use the technology to illegally exchange copyrighted material on the Internet. While people may believe their files are being exchanged among only a few "friends," these files can be accessed by millions of people around the world who are part of the same P2P network.

If you download movies using illegal peer-to-peer sites, you are often also distributing illegal content, as the default setting of most P2P networks ensures that individuals downloading files from the network are simultaneously uploading files and thus distributing illegal copies of works to other peers in the group, who in turn distribute the files to yet others.

- **Use good judgment and common sense:**

If you are downloading something for free that you normally would have to pay for, then it probably isn't "free." Think about whether it is illegal; if it is, then stop doing so.

- **Understand the criminal and civil penalties that result from PEER-TO-PEER (P2P) THEFT:**

The Digital Millennium Copyright Act (DMCA), the No Electronic Theft Law (NET Act), and other federal laws make copyright infringement a criminal offense and provide for civil penalties.

Under current copyright law, criminal cases of copyright violation carry a penalty of up to five (5) years in prison and a \$250,000 fine. Civil penalties for copyright infringement include a minimum fine of \$750 for each work.

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- **Understand the computer security risks from engaging in PEER-TO-PEER (P2P) THEFT:**

By uploading and downloading copyrighted material on P2P networks, you are not only violating the law, you are also potentially exposing your computer and private information to strangers. By allowing strangers to access files on your computer, other sensitive information, such as bank records, social security numbers and pictures, could also become accessible and put you and your family at risk of identity theft or worse. This activity also exposes your computer to harmful viruses, spyware, and annoying pop-ups (adware).

MVNU's responsibility (HEOA requirements)

- **MVNU inform you:**

Institutions are required to make an annual disclosure that informs students that the illegal distribution of copyrighted materials may subject them to criminal and civil penalties and must describe the steps that institutions will take to detect, prevent, and punish illegal distribution of copyrighted materials.

- Consistent with its commitment to educational principles and desire for a well-informed and legally-compliant community, MVNU offers various educational opportunities and modalities to explain the law about and penalties for P2P file-sharing of copyrighted materials. The institution also provides legal alternatives, and describes its response to copyright infringement claims.
- The university compliance officer semiannually emails Federal Disclosure/Consumer Information to all students and employees. This information includes a link to this policy, which includes examples of computer fraud, penalties for P2P file sharing, and legal alternatives for downloading music and videos.
- Annually, the Office of Student Development will update language in the Student Handbook outlining the Digital Millennium Copyright Act and provide educational materials about the legal use of technology and consequences of illegal use of technology in cooperation with the Student Government Association.
- MVNU has a Copyright Policy (<http://www.mvnu.edu/policies/copyright.pdf>) and a Copyright Notice of Policy and Inquiry (<http://www.mvnu.edu/policies/copyrightnotice.pdf>).

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- In order to use university computing resources, all members of the MVNU community will endorse the Computer Regulations and Policies that include a section on copyright compliance (<http://www.mvnu.edu/policies/compreg.pdf>).
- **MVNU implement a plan to discover P2P file-sharing on its campus and “effectively combat” the unauthorized distribution of copyrighted material:**

Institutions identify procedures to periodically review the effectiveness of the plans to combat the unauthorized distribution of copyrighted materials. Institutions certify to the Secretary of Education that they have developed plans to “effectively combat” the unauthorized distribution of copyrighted material.

- Since 2005 MVNU has employed bandwidth-shaping technology to prioritize network traffic. The university blocks access to the most egregious Peer-2-Peer (P2P) file-sharing software and limits the amount of bandwidth available to P2P applications. In addition, if a single computer uses more than 5% of available bandwidth in a given week, bandwidth-shaping technology is used to throttle back usage.
- All notifications related to the Digital Millennium Copyright Act (DMCA) that are received are forwarded to the Vice President for Student Development for students and to the Provost and Chief Academic Officer for employees.
- The educational objectives of this policy are under the guidance of the Office of Institutional Effectiveness. The technical objectives of this policy are under the guidance of the Office of Information Technology Services.
- Beginning in 2011-12 and annually thereafter, MVNU will survey community members to assess the extent to which our responsible use of technology messages are reaching them. We will measure and analyze the impact of our technical efforts to combat illegal file sharing and other aspects of our plans to combat the unauthorized distribution of copyrighted materials.

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- **MVNU share information about alternatives:**

Institutions, “to the extent practicable,” offer alternatives to illegal file sharing:

Members of the MVNU community are encouraged to get their digital content from sources such as Educause and Motion Picture Association of America (MPAA), which maintain comprehensive lists of alternatives.

- <http://www.educause.edu/legalcontent>
- <http://www.mpaa.org/contentprotection/get-movies-tv-shows>

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