



LOYOLA UNIVERSITY MARYLAND

Policy on Unauthorized Peer- to-Peer File Sharing

June 2010

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Loyola University Maryland

Policy on Unauthorized Peer-to-Peer File Sharing

Unauthorized distribution of copyrighted material is illegal and carries substantial civil and criminal penalties under the Digital Millennium Copyright Act (DMCA) and other laws. Loyola University Maryland (the "University") prohibits the use of its network to illegally distribute or share copyrighted materials.

I. Purpose

The purpose of this policy is to define how the University will respond to the unauthorized distribution of copyrighted material using the University's network, including the imposition of discipline and penalties for the unauthorized distribution of copyrighted material.

II. Scope

This policy applies to all student users of the University's network and information systems.

III. Definitions and Background

- A) Peer-to-peer (P2P) file sharing programs are useful tools for exchanging data at high speeds. Due to this attribute, P2P programs are also the primary method for illegally sharing copyrighted material such as movies, music, television shows, and video games.
- B) Users of P2P programs should be aware that these programs are often designed to search the contents of a user's hard drive and share files such as movies and music without explicit notice to or permission from the user.

- C) The University receives notices from outside groups (like those affiliated with the recording industry) that University network users are engaging in unauthorized file sharing in violation of the DMCA (a "DMCA notice"). When the University receives a DMCA notice, it has a legal obligation to provide the user with a copy of the notice and to act to stop unauthorized file sharing on the University's network. For more information on the DMCA and its use, see:
<http://www.educause.edu/resources/Browse/DMCA/31236>.
- D) DMCA notices may relate to a user's possession and sharing of copyrighted material obtained through unauthorized file sharing, or a user's unauthorized sharing of copyrighted material which the user legally owns. A user who receives a DMCA notice related to material obtained without legal authorization must delete the material from the user's computer. A user who receives a DMCA notice related to sharing legally owned material must cease sharing the material. Users may also be required to delete P2P programs from the user's computer.

IV. Procedure

- A) Upon receipt of a DMCA notice, the University's Office of Technology Services will verify that the user named in the DMCA notice has likely engaged in unauthorized file sharing and:
- B) For a user's first offense:
- a. Document the claim and user information for administrative purposes.
 - b. Provide the user with the DMCA notice and the notice set forth in Section IV. E. a. via e mail.
 - c. Require the user to bring the computer to the Student Technology Center (Knott Hall 106) for examination within 48 hours from receipt of the notice.
 - d. Assign a support technician to review the computer, remove the offending material, and if necessary remove any P2P programs.
 - e. Require the user to view a video discussing digital copyright infringement.
 - f. Require the user to complete an online copyright infringement training course.
 - g. Users who fail to bring their computer to the Student Technology Center within 48 hours, who refuse to allow a service technician to take the steps outlined above, or who refuse to watch the required video or complete the online course, will not be permitted to access the University's network.

- h. The University reserves the right to immediately suspend a first time offender's access to the University's network and to refer the user to the Office of Student Life for further investigation (if necessary), adjudication, and potential discipline.

C) For a user's second offense

- a. Document the claim and user information for Administrative purposes.
- b. Provide the user with the DMCA notice and the notice set forth in Section IV. E. b via e-mail and via a splash page presented by Safe Connect (network access control solution) when the user attempts to connect to the University's network.
- c. Suspend network access until the user brings the computer to the Student Technology Center (Knott Hall 106) for examination.
- d. Assign a support technician to review the computer, remove the offending material, and if necessary remove any P2P programs.
- e. Re-enable network access for the computer named in the claim if the user complies with the foregoing requirements.
- f. Refer the user to the Office of Student Life for further investigation (if necessary), adjudication, and potential discipline.

D) For subsequent offenses:

- a. Document the claim and user information for administrative purposes.
- b. Provide the user with the DMCA notice and the notice set forth in Section IV. E. d, via e-mail and via a splash page presented by Safe Connect (network access control solution) when the user attempts to connect to the University's network.
- c. Suspend network access until the user brings the computer to the Student Technology Center (Knott Hall 106) for examination.
- d. Assign a support technician to review the computer, remove the offending material, and remove any peer to peer P2P programs, if necessary.
- e. Re-enable network access for the computer named in the claim if the user complies with the foregoing requirements.
- f. Refer the user to the Office of Student Life for further investigation (if necessary), adjudication, and potential discipline.

E) E-mail verbiage additions to DMCA notices:

- a. For a user's first offense:

Loyola University has received the attached notice alleging that you have been sharing copyrighted material. Please IMMEDIATELY cease and desist sharing the material listed in the attached notice. Please remove the material from your computer if you do not legally possess it, along with any Peer-to-Peer file sharing programs. Please bring your computer to the Student Technology Center (x5555) within 48 hours in order to confirm that you have removed the copyrighted material and Peer-to-Peer file sharing applications. You will be required to watch a video and complete an online course on digital copyright infringement. Failure to comply with this notice within 48 hours could result in the interruption of your Internet access.

b. For a user's second offense:

Loyola University has received the attached notice alleging that you have been sharing copyrighted material. Please IMMEDIATELY cease and desist sharing the material listed in the attached notice. Please remove the material from your computer if you do not legally possess it, along with any Peer-to-Peer file sharing programs. As this is the second notification you have received regarding unauthorized file sharing, your inbound and outbound Internet access have been suspended until a technician from the Office of Technology Services can verify that you have removed the copyrighted material and Peer-to-Peer file sharing applications from your computer. Please contact the Student Technology Center (x5555) for additional information.

c. For subsequent offenses:

Loyola University has received the attached notice alleging that you have been sharing copyrighted material. Please IMMEDIATELY cease and desist sharing the material listed in the attached notice. Please remove the material from your computer if you do not legally possess it, along with any Peer-to-Peer file sharing programs. As you have already received at least two notices regarding sharing copyrighted material, your inbound and outbound Internet access have been suspended until a technician from the Office of Technology Services can verify that you have removed the copyrighted material and Peer-to-Peer file sharing applications from your computer. Please contact the Student Technology Center (x5555) for additional information.

V. Enforcement

Violators of this policy are subject to disciplinary action, up to and including loss of access to the University's network, or suspension or dismissal from the University. See for example;

Student Community Standards Handbook: Pages 13, 27, 31

<http://www.loyola.edu/campuslife/studentlife/judicialaffairs/2008%202009%20Loyola%20Community%20Standards.pdf>

VI. Approvals

Name and Title: **Louise Finn, Chief Information Officer**

Signature: *Louise Finn*

Name and Title: **Brian Linnane, S.J. President**

Signature: *Brian Linnane, S.J.*

VII. Review Cycle

This policy will be reviewed on an annual basis by Technology Services and Student Development.