
SUBJECT:	Peer-To-Peer (P2P) File Sharing Policy
REVIEWED/REVISED:	9/2015; 2/2022
PURPOSE:	To provide guidance on use of peer-to-peer file sharing applications on college resources
POLICY OWNER:	Vice President of Institutional Effectiveness

POLICY:

The Higher Education Opportunity Act of 2008 requires institutions to take steps to combat the unauthorized distribution of copyrighted materials through peer-to-peer distribution or illegal downloading of intellectual property.

Definitions:

Peer to Peer (P2P) file sharing programs were developed to allow distribution and/or shared access to digitally stored information, such as computer programs, multimedia (music and video), documents, or electronic books.

P2P file sharing connects users to a P2P client network that provides a platform for locating and sharing files. P2P users are typically required to install a software program on their own personal computers. Risks of installing P2P software include identity theft, damage to the computer and the files on it (pictures, documents, etc.), and the possibility that the computer could be used to send spam or attack other computers.

P2P file sharing programs are not by themselves illegal. However, when they are used in aid of violating copyright laws by sharing copyright protected files without the authorization or consent by the copyright owners, they become illegal. Most commercially produced music and movies are copyrighted and cannot be freely shared. Using P2P file sharing software to distribute copyrighted materials without the permission and consent of the copyright holder is illegal and subjects the violator to the penalties provided for in the U.S. copyright laws. Unauthorized distribution of copyrighted materials can lead to both civil and criminal penalties.

Liability and Penalties:

Civil penalties may include actual damages and profits, statutory damages (ranging from \$750-\$30,000 per work that is infringed). For "willful" infringement, a court may award up to \$150,000 per work infringed. A court may assess cost and attorney's fees. Willful copyright infringement may also result in criminal penalties, including imprisonment of up to five (5) years and fines of up to \$250,000 per offense.

Policy and Procedure:

Members of the NMC community must follow institutional policies for appropriate use of technology resources as well as comply with all state and federal copyright laws. Methodist Health System (MHS) maintains the computer network that supports the academic and administrative needs of NMC students, faculty, and staff. MHS Internet Access Policy states that all users are responsible for using the network in a professional, lawful, and ethical manner. MHS, in cooperation with NMC, will monitor the use of P2P file sharing and pursue all violations of state and federal laws.

Sharing copyrighted works, as is easily done with P2P programs, also violates the NMC Code of Conduct Policy and the MHS Internet Access Policy. Any NMC student, employee, or other individual will be subject to disciplinary action and elimination of internet access upon violation of this policy.

Sharing digital files (such as music, movies, television shows, games, computer software, text, e-books and photographs) under any of the following conditions constitutes copyright infringement:

1. You did not create the original work;
2. The work is not in the public domain; and/or
3. You do not have permission to share the work

Beyond the personal risks of P2P file sharing, the Recording Industry Association of America (RIAA) and the Motion Picture Association of America (MPAA) vigorously pursue infringements of copyrights owned by their individual members, as is their right under the Copyright Law of the United States. Under the Digital Millennium Copyright Act of 1998 (DMCA), NMC is required to cooperate in the pursuit of alleged violators. NMC is under no obligation to accept responsibility for, or to help defend, the activities of students engaged in illegal file sharing.

File Sharing Legal Alternatives

The Higher Education Opportunity Act requires all colleges and universities, including NMC, to offer legal alternatives to illegal file sharing. See list of [Legal Alternatives for Downloading](#) here. No endorsements or evaluations are implied.