

Peer-to-Peer File Sharing Policy

ECMC Education's IT resources support a wide range of educational and administrative activities. Faculty, staff and students are expected to comply with all policies that apply to the use of these resources. As part of ECMC Education's plan to combat the unauthorized distribution of copyrighted materials by users of IT resources, this policy addresses the issue of illegal peer-to-peer (P2P) file sharing. It is the intention of ECMC Education to strictly enforce a policy of zero tolerance for illegal file sharing and to comply with all applicable laws and regulations.

Risks of P2P File Sharing

> Copyright Violation

P2P file sharing is often used to distribute copyrighted works without the permission of the copyright owner. Such use is illegal and subjects the user to personal liability even if the user is unaware that he or she was violating the law.

> Security

P2P software may bypass a computer's operating system security, thereby making the computer vulnerable to computer viruses and hacking, and puts the user's personal and private data at risk.

> Network Resources

The use of P2P applications can, in many instances, use a disproportionate share of available bandwidth. This can result in other important network activities being compromised due to P2P activities.

Resources and Alternatives to Illegal Downloading

Many sites claim to be legal when they are not. A list of sites that appear to be legal — but in fact are not — may be accessed using the following link to the Center for Democracy and Technology website: <https://cdt.org/insights/music-download-warning-list-1/>

Resources to find legal streaming and/or downloads for both movies and television shows may be accessed using the following link to the Motion Picture Association of America (MPAA) website: <https://www.motionpictures.org/what-we-do/fostering-innovation/#where-to-watch>

Resources to find legal music streaming and/or downloads may be accessed using the following link to Why Music Matters website. <https://whymusicmatters.com/> and the Recording Industry Association of America (RIAA) website: http://www.riaa.com/wp-content/uploads/2015/09/music-and-the-internet-guide_international.pdf

Consequences of Illegal P2P File Sharing

Illegal P2P file sharing is a violation of ECMC Education policy and federal law, and may result in the loss of computing privileges. To protect both network users and ECMC Education, IT will disable network access for any device for which a complaint of copyright infringement has been received. To restore network access, the user must contact the IT Information Security department and state, in writing (e.g., email), that the user has disabled the file sharing function of their software and has agreed to discontinue all illegal file sharing activity. Further complaints against the user may result in long term or permanent loss of network access and computing privileges.

Faculty and staff who violate this policy are subject to discipline in accordance with Human Resources policies and procedures. Students who violate this policy are subject to discipline pursuant to the Code of Student Conduct. Additionally, ECMC Education may report violations to appropriate authorities for criminal or civil investigation/prosecution.

Civil and Criminal Penalties for Illegal P2P File Sharing

A person or entity found to have committed a copyright violation may be civilly liable for up to \$150,000 for each separate act of infringement. Individuals may also be prosecuted criminally for copyright infringement. First offenses may result in a prison sentence of up to five (5) years and fines of up to \$250,000.