

# Asheville-Buncombe Technical Community College

# (A-B Tech) Procedure

## Procedure 1006: Peer-to-Peer File Sharing

Federal legislation holds any postsecondary institution receiving Title IV financial aid legally responsible for the use of peer-to-peer file-sharing on the institution’s network which is in violation of copyright protections. The Higher Education Opportunity Act of 2008 specifically requires the institution’s policies and sanctions related to copyright infringement to include the following:

1. an annual disclosure that explicitly informs students that unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may subject students to civil and criminal liabilities;
2. a summary of the penalties for violation of Federal copyright laws; and
3. a description of the institution's policies with respect to unauthorized peer-to-peer file sharing, including disciplinary actions that are taken against students who engage in unauthorized distribution of copyrighted materials using the institution's information technology system.

Pursuant to these requirements, a Peer-to-Peer File-Sharing Statement that included this information will be contained in the College’s Policies and Procedures Manual, in the annual Student Handbook, and communicated on an annual basis to all College employees.

The College is expected to take measures to effectively combat the unauthorized distribution of copyrighted material, including through the use of a variety of technology-based deterrents. These measures may include, but are not limited to, electronic countermeasures such as network monitoring, port blocking or bandwidth filtering. The College will, to the extent practicable, offer alternatives to illegal downloading or peer-to-peer distribution of intellectual property.

Copyright infringement is the act of exercising, without permission or legal authority, one or more of the exclusive rights granted to the copyright owner under section 106 of the Copyright Act (Title 17 of the Unites States Code). These rights include the right to reproduce or distribute a copyrighted work. In the file-sharing context, downloading or uploading substantial parts of a copyrighted work without authority constitutes an infringement. Violation of these protections may result in disciplinary measures against employees or students as outlined in the institution’s Code of Student Conduct up to and including suspension or expulsion. Violations may also result in criminal and civil liabilities.

US copyright laws provide for civil penalties of up to $150,000 per violation ([http://www.copyright.gov/title17/92chap5.html#504](http://www.copyright.gov/title17/92chap5.html%23504) ) as well as criminal penalties of up to $250,000 and up to five years in prison for the first conviction (<http://www.copyright.gov/docs/2265_stat.html> ).

## Definitions:

Peer-to-Peer (P2P) File-Sharing: Peer-to-Peer file sharing refers to content transfer over distributed electronic networking configurations in which end nodes are coequal partners, as opposed to a client-server relationship. Examples include, but are not limited to, BitTorrent, Gnutella, eDonkey and aMule.

Pursuant to Board Policy 1006, this procedure must be followed in relation to peer-to-peer file-sharing of copyrighted materials.

Owner: Vice President of Operations/CIO

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See Peer-to-Peer File Sharing Statement