

Policy on the Use of Peer-to-Peer (P2P) File Sharing Programs

The [*Higher Education Opportunity Act of 2008*](#) (**Public Law 110 - 315**) requires institutions to take steps to combat the unauthorized distribution of copyrighted materials through illegal downloading or peer-to-peer distribution of intellectual property. These requirements were effective upon enactment of the HEOA on August 14, 2008. The Department of Education posted the final regulations that institutions must implement effective July 1, 2010. You can read these regulations at:

<http://www.ifap.ed.gov/fregisters/FR102909GeneralandNonLoanProgrammaticFinalRule.html>.

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. Examples of P2P file sharing programs include (but are not limited to) BitTorrent, Limewire, Kazaa, Gnutella, and Morpheus.

P2P file sharing programs are not necessarily illegal unless they aid in violating copyright laws by sharing copyright-protected files without authorization by the copyright owners. 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 of the copyright holder is illegal and violates US copyright laws. Unauthorized distribution of copyrighted materials can lead to both civil and criminal penalties.

Union College does not examine the information **content** that is being transmitted over the network but we do limit and/or restrict the bandwidth certain **applications** (known P2P file sharing programs) can utilize on the network. Members of our community must follow institutional policies for appropriate use of technology resources as well as comply with all federal, New York State, and other applicable copyright laws.

Consumer Information

Annually, the following statement will be distributed to all Union College faculty, staff, and students:

Union College complies with the provisions of the [Digital Millennium Copyright Act \(DMCA\)](#). It is illegal, as described in the Federal law (Title 17 of the US Code, and more recently the Digital Millennium Copyright Act, 105 PL 304), to download, upload, or distribute in any fashion, copyrighted material, in any form without permission or a license to do so from the copyright holder.

Summary of Civil and Criminal Penalties for Violation of Federal Copyright Laws

- 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 United 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.
- Penalties for copyright infringement include civil and criminal penalties. In general, anyone found liable for civil copyright infringement may be ordered to pay either actual damages or "statutory" damages affixed at not less than \$750 and not more than \$30,000 per work infringed. For "willful" infringement, a court may award up to \$150,000 per work infringed. A court can, in its discretion, also assess costs and attorneys' fees. For details, see Title 17, United States Code, Sections 504, 505.
- Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five years and fines of up to \$250,000 per offense.
- For more information, please see the Web site of the U.S. Copyright Office at www.copyright.gov, especially their FAQ's at www.copyright.gov/help/faq.

Legal Alternatives to P2P File Sharing

Schaffer Library provides a variety of music and video databases that offer access to members of the Union College community:

- [American History in Video](#). The American History in Video collection allows students and researchers to analyze historical events, and their presentation over time, through commercial and governmental newsreels, archival footage, public affairs footage, and important documentaries.
- [Dance in Video](#). Dance in Video contains dance productions and documentaries by the most influential performers, choreographers, and companies of the 20th century. Selections cover ballet, tap, jazz, contemporary, experimental, and improvisational dance, as well as forerunners of the forms and the pioneers of modern concert dance. Includes documentaries, interviews, and dance instruction videos as well as an overview of 20th Century concert dance, including the forerunners and pioneers of modern dance, covering ballet, tap, jazz, contemporary, experimental, and improvisation. The content also includes coaching sessions and recreations of past choreographers works.
- [DRAM: Database of Recorded American Music](#). DRAM is a not-for-profit resource providing educational communities with on-demand streaming access to CD-quality audio, complete original liner notes and essays from independent record labels, and sound archives. Includes genres from folk to opera, Native American to jazz, 19th century classical to early rock, musical theater, contemporary, electronic and beyond.

Their primary focus is the preservation and dissemination of important recordings that have been neglected by the commercial marketplace, recordings that may otherwise become lost or forgotten.

- [**Digital Theatre Plus**](#). Includes streaming access to unique films of leading British theatre productions; behind-the-scenes documentaries, interviews, and written teaching and learning resources.
- [**Kanopy Streaming Service**](#). Kanopy is a streaming service that provides access to a wide variety of films on every topic imaginable including those from leading producers such as the Criterion Collection, Universal Paramount, The Great Courses, New Day Films, California Newsreel, Kino Lorber, PBS, BBC, First Run Features, Media Education Foundation, and Documentary Education Resources.
- [**Music Online: Listening Albums**](#). Music Online: Listening provides coverage in breadth and depth across all the key musical genres including classical (all major genres and time periods from medieval to contemporary, from choral works to symphonies, operas, and the avant-garde), jazz (all major genres including vocal jazz, bebop, acid jazz, big band, and modern jazz), world (including music from 169 countries and more than 1,000 cultural groups), American (country, folk, jazz, bluegrass, Western, old time, American Indian, blues, gospel, R&B, and shape note singing), and popular (a wide range of popular music from around the world that is not available in genre-specific collections).
- [**Music Online: Opera in Video**](#). A comprehensive collection of operatic performances covering the most commonly studied operas in music history, opera literature, and performance classes. Includes interviews with singers, stage designers, and directors, integrated with excerpts of live performances.
- [**Music Online: Smithsonian Global Albums**](#). Music Online: Smithsonian Global Sound provides coverage in breadth and depth for world music and supports music history, music appreciation, world music courses and ethnomusicology. Includes music in over 1,000 distinct genres and sub-genres, in over 450 languages, and from over 1,400 cultural groups around the world.
- [**Naxos Music Library: Classical**](#). Naxos Music Library is the world's largest online classical music library. New CDs are added to the library every month. The library offers the complete Naxos and Marco Polo catalogues plus the complete catalogues or selected titles from over 650 record labels. Listeners can create personalized playlists or use predefined Naxos Music Library playlists.
- [**Naxos Music Library: Jazz**](#). The equivalent jazz component of the Naxos Music Library: Classical (above).
- [**Naxos Spoken Word Library**](#). Includes literature and poetry from medieval times to the twentieth century, and many newly written texts supplement an ever-expanding range of non-fiction.

- [Theater in Video](#). Theatre in Video contains performances of the world's leading plays, together with film documentaries. From celebrated productions of Shakespeare to rare, in-depth footage of the work of Samuel Beckett, the collection covers a wide range of 20th century theatre history. It also includes interviews with directors, designers, writers, and actors, along with excerpts of live performances.

Other sites for legal alternatives to illegal downloading include:

- [File sharing FAQs](#) from the University of Maryland
- [Legal online sources for copyrighted material](#) from Reed College
- [Legal sources of online content](#) from EDUCAUSE

Institutional Policies and Disciplinary Procedures

While Union College's Information Technology Services will not routinely monitor the content of your Internet traffic, Union College is legally required to identify a person accused of sharing copyrighted material if the information is subpoenaed. If a copyright infringement claim involving digital materials (music, video, software, or other) is received by Union College's Digital Millennium Copyright Act (DMCA) agent, the College is required to investigate. The following steps will be followed:

- Network registration information and usage logs will be checked in order to identify the computer system alleged to be involved;
- The user associated with the computer system will be identified;
- The user will be notified by the DMCA agent that there has been a copyright infringement claim made and that they must:
 - Cease and desist all file sharing activity;
 - Remove the allegedly infringing material;
 - Contact the DMCA agent within 48 hours.
- If the user does not contact the DMCA agent within 48 hours, his or her Internet access will be suspended;
- DMCA agent notifies the sender of the complaint that the user has been notified to cease and desist.

Individuals using computers and networks at the College are required to comply with copyright laws as well as the College's policies and procedures. The College reserves the right to limit, revoke, deny, or extend privileges and access to the institution's computing and network resources at its discretion.