



SUBJECT: Information Technology

PROCEDURE: 705.1.1 Peer-to-Peer File Sharing

EFFECTIVE: March 2023

REVISED:

REVIEWED:

BACKGROUND

Great Falls College MSU maintains a campus network to support and enhance the academic and administrative needs of our students, faculty, staff and other campus users. The college is required by Federal Law – H.R. 4137, Higher Education Opportunity Act (HEOA) – to make an annual disclosure informing students that illegal distribution of copyrighted materials may lead to civil and/or criminal penalties. Also, the HEOA requires institutions to take steps to detect and punish users who illegally distribute copyrighted materials. The college must certify to the Secretary of Education that a policy is in place. Finally, the HEOA requires the College to provide alternatives to illegal file sharing. All users are encouraged to check the list of [Alternatives to Illegal Downloading](#).

Although the HEOA makes reference only to students using Peer-to-Peer, this policy applies to all college network users. The college reserves the right to suspend or terminate network access to any campus user if the violation is deemed severe. Likewise, network access may be suspended if any use is impacting the operations of the network. Violations may also be reported to appropriate authorities for criminal or civil prosecution.

While the definition itself is controversial, generally a peer-to-peer (often referred to as P2P) computer network refers to any network that does not have fixed clients and servers, but a number of peer nodes that function as both clients and servers to the other nodes on the network. This model of network arrangement contrasts with the client-server model. Any node is able to initiate or complete any supported transaction. Peer nodes may differ in local configuration, processing speed, network bandwidth, and storage quantity. Put simply, peer-to-peer computing is the sharing of computer resources and services by direct exchange between systems.

The peer-to-peer policy intends to make it clear that P2P architecture, itself, is not in question. What is a concern, however, is one of the most prevalent uses of this technology, P2P File Sharing applications used for the distribution of copyrighted content. BitTorrent, µTorrent, AudioGalaxy and Gnutella, are examples of the kinds of P2P File Sharing software which can be used inappropriately to share copyrighted content. Other types of software included in this policy are Skype and other similar communication systems.

For the purposes of this procedure, a peer-to-peer file sharing application is any application that transforms a personal computer into a server that distributes data simultaneously to other computers.

ENFORCEMENT

First Violation

The first time a report of distributing or downloading copyrighted files is received, the person who was using the computer at the given time is notified by the Director of Information Technology of the violation via an email sent to their campus email address and their immediate supervisor. In the case of student laptop users, the student's laptop connection to the wireless network will be suspended.

If peer-to-peer network traffic is found then network access is suspended (the user's network connection is disabled) immediately until the situation is resolved. E-mail and other accounts are not disabled. The user is required to submit a signed Technology Copyright Violation Certification Page that states that the user understands copyright issues and the ramifications of a subsequent offense or to demonstrate that the notification was unwarranted.



Network access will be restored no sooner than two business days after receipt of the signed certification page. The Director of Information Technology will send notifications via email of violations to the appropriate department chair, dean, supervisor, sponsor and/or other appropriate personnel.

If the user feels the warning is erroneous, he/she must show evidence to the Director of Information Technology that the file(s) was used legally or was not copyrighted. Notifications of all violations will be maintained by Information Technology. If any notification is shown to be unwarranted, no record of the violation notification is retained.

Second Violation

If a second notification of violation is received, network access shall be suspended immediately. The user is again informed of the violation by email from the Director of Information Technology. Second violations are referred to the Executive Director of Student Affairs and Executive Director of Human Resources – student violations are recorded as a Code of Conduct Violation and those involving faculty or staff will be forwarded to the appropriate Executive Council member of the violation. Network access is not restored, if at all, until the case is ruled on by the Executive Director of Student Affairs and Human Resources, or reviewed and decided by the appropriate Executive Council member and the Executive Director of Student Affairs and Human Resources. The Executive Director of Student Affairs and Human Resources or the Executive Council member can impose whatever sanctions – including termination of network access; probation, suspension, expulsion (for students); or disciplinary action (for faculty and staff) – as deemed appropriate.

The existence and imposition of the college's sanctions do not protect members of the campus community from any legal action by external entities or the college itself.