Bethune-Cookman University Internet Peer-to-Peer File Sharing Policy
A Supplement to the Appropriate Use and Information Security/Confidentiality Policy

In recent years, Internet peer-to-peer file sharing programs have made it easy to download and share music, movie and software files. This has become problematic for Bethune-Cookman for two reasons. It encourages behavior that violates copyright law, and it causes Internet traffic congestion.

In dealing with these issues, Bethune-Cookman will by policy and procedure:
1. Ensure for all users adequate and equitable access to the Internet for academic purposes and personal communications.
2. Respect our community's rights to privacy and confidentiality, freedom of speech, and academic freedom while using the network.
3. Educate the network user community on the technical, legal, and ethical aspects of copyright and intellectual property.
4. Uphold copyright law as spelled out in the 1998 Digital Millennial Copyright Act (DMCA) and elsewhere. The DMCA defines copyright and fair use exceptions in the digital age.

Bethune-Cookman's Policy for Appropriate Use and Information Security/Confidentiality prohibits the "use of Bethune-Cookman's systems or networks to copy, store, display, prepare derivative works of, or distribute copyrighted material in any medium without the express permission of the copyright owner, except as otherwise allowed under copyright law". In addition to sanctions by the Institution, copyright violators could be subject to felony charges under state and federal law, and may be sued by the copyright holder.

Under copyright law, unless you have express permission from the copyright holder to engage in the copying, downloading and sharing of files, you are in violation of the law. Peer-to-peer programs have no provision for you to acquire the required express permission. Therefore in practice, their use for downloading music and movies may put you in violation of Bethune-Cookman policy and the law.

Peer-to-peer file-sharing programs certainly have legitimate uses for sharing information over the Internet. In addition, the Internet has allowed the democratization of the music industry, allowing musicians to distribute their works and gain audiences never possible before the Internet. These arguments are compelling, but in no way absolve file-sharing users from the need to follow copyright law and respect intellectual property ownership.

The Center for Information Technology (CIT) does not intend to block peer-to-peer file sharing programs. Nor does CIT monitor the *content* of network traffic. CIT does monitor traffic *patterns* in order to guarantee acceptable network performance for all users. If CIT becomes aware of policy violations or illegal activities in the course of investigating

network congestion or problem determination, CIT will further investigate by inspecting content stored or shared on its network.

Bethune-Cookman's Acceptable Use and Information Security/Confidentiality Policy also prohibits "Activities that interfere with the ability of others to use Bethune-Cookman's computing resources or other network connected services effectively". Whether or not copyright violations are involved, this includes peer-to-peer file sharing programs, which often consume huge amounts of network resources.

Violators of copyright law as well as those impeding network access by others will first be warned to cease and desist. Repeat offenders will have their access to the Internet blocked, and if necessary, be turned over to the University judicial process.