OBERLIN

COLLEGE & CONSERVATORY

Policy #: 01.003

Policy Title: Peer-to-Peer File Sharing Policy

Responsible Position for Policy: Chief Information Technology Officer

Office/Department Responsible for Policy: Center for Information Technology

Division Responsible for Policy: Office of Finance and Administration

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Policy Purpose

In recent years, copyright holders, such as the Recording Industry Association of America (RIAA), have stepped up legal efforts to combat infringement, including targeting college students with increased numbers of copyright infringement notices.

Under the Digital Millennium Copyright Act (DMCA) and the Higher Education Opportunity Act (HEOA), whose August 2008 revision included a section designed to prevent ''Campus-based Digital Theft,'' Oberlin College is legally required to take measures to remove offending material from the network.

Copyrighted material that is illegally distributed over the internet can take many forms. However, most DMCA notices Oberlin College receives involve music, movies, or television shows being used without permission. While it is not against the law to use a peer-to-peer (P2P) file-sharing program, it is the distribution method most often cited in DMCA notices.

If you purchase a song or a movie, you have the right to keep a copy of it on your computer for your own use. But if your computer contains P2P software, you may be sharing it with people who have not paid for it. That is copyright infringement, and you can be held responsible with serious college, civil and or criminal penalties.

 CIT is committed to ensuring that all Oberlin College community members follow copyright law.

Policy Statement

P2P traffic is blocked by default. Those wishing access to this tool for legal sharing activities will have the opportunity to opt-in for access.

Scope

All ObieID account holders.

Definitions

Copyrighted material: Copyrighted material that is illegally distributed over the Internet can take many forms. However, most DMCA notices received by Oberlin College involve music, movies or television shows, and software, including video games, being used without permission. Other types of materials include written works, audio- and e-books, photographs and images, including Web sites or other Web-based content.

Digital Millennium Copyright Act: The Digital Millennium Copyright Act (DMCA) passed by Congress in 1998, makes it illegal to copy or share intellectual property -- music, videos, games, software and other materials -- without permission. Oberlin College adheres to the regulations and guidelines outlined by the DMCA for responding to copyright infringement notices.

Higher Education Opportunity Act (HEOA): The HEOA passed by Congress in 2008 is an amendment of the earlier The Higher Education Act of 1965. The law was intended "to strengthen the educational resources of our colleges and universities." Several sections of the HEOA deal with unauthorized file sharing on campus networks, imposing three general requirements on all U.S. colleges and universities:
- An annual disclosure to students describing copyright law and campus policies related to violating copyright law.
- A plan to "effectively combat the unauthorized distribution of copyrighted materials" by users of its network, including "the use of one or more technology-based deterrents".
- A plan to "offer alternatives to illegal downloading".

Peer-to-Peer File Sharing (P2P): P2P software allows computer users, utilizing the same software, to connect with each other and directly access files from one another's hard drives.

Administration

The Chief Information Technology Officer is assigned to administer this policy. This individual is responsible for keeping the policy up to date and coordinating a detailed review at least once every 5 years.

Procedures

I. Opting in for P2P Access
   A. To opt in for P2P access, users must fill out a P2P request form using the CIT Tech Support Portal (https://oberlincollege.samanage.com/catalog_items/769597-opt-in-for-peer-to-peer-traffic) including the IP address and MAC address of their system. Requests will be processed within 72 hours. Once the exemption has been granted, a new static IP will be issued which will allow the peer-to-peer traffic. An email message will be sent to you indicating that your request has been approved.

II. Violations
    A. The Recording Industry Association of America (RIAA), Motion Picture Association of America (MPAA), and other organizations working on behalf of copyright owners, send a notice to the organization's DMCA Agent. Our agent at Oberlin College then makes CIT aware of this notification. We are then required to take measures to have the offending material removed from the network. Students and staff members that have opted-in for peer-to-peer (P2P) file sharing access will be assigned a static IP address that is exempted from the P2P traffic block. If the college receives a valid notification of illegal activity on an exempted address, all addresses registered to the responsible party will be blocked for P2P traffic for the remainder of the academic year. The responsible party will not be able to obtain any new exemptions for the remainder of the academic year. Students involved in repeated incidents will have their network access disabled for an indefinite period and will be referred to a judicial coordinator for possible Judicial Board action. Faculty or staff involved in such incidents will have their network access disabled until the material is removed from network access and will be referred to their applicable department head for further adjudication.

Related Information

Copyright Infringement and File Sharing Frequently Asked Questions
https://support.oberlin.edu/solutions/765712-copyright-infringement-and-file-sharing.portal

Oberlin College's Required Response to HEOA
https://www.oberlin.edu/sites/default/files/content/office/cit/documents/heoa_082710.pdf

Opt-In Process for P2P File Sharing
https://oberlincollege.samanage.com/catalog_items/769597-opt-in-for-peer-to-peer-traffic