

## **File Sharing Information – Concordia College**

### ***File sharing at Concordia College***

Down loading and sharing copyrighted material online without permission is unethical and illegal. Concordia College is dedicated to addressing and resolving issues of copyright infringement, as well as implementing preventative measures and policies to ensure proper use of peer-to-peer (P2P) applications on the campus network.

Copyright owners may complain to Concordia directory or through our Internet Provider (702 Communications). Upon a complaint, Concordia College will actively investigate the allegation(s) and report our findings to the Chief Information Officer and to the Dean of Student Life (for students) and Human Resources (for faculty/staff) for review and possible disciplinary action under the appropriate handbook. Concordia attempts to block Peer-to-Peer activity.

In addition to sending complaints to Concordia College, copyright owners may also take direct legal action against alleged infringers, and subpoena the College for information and people sharing files. The No Electronic Theft (NET) Act provides for serious criminal penalties, including a fine up to \$250,000 and a potential jail sentence. Lack of knowledge about copyright infringement laws will not excuse one from legal consequences, or form action by the College. It is your responsibility to be aware of the legality of your actions.

Concordia does not offer an on-campus source for the legal download of music or videos. However, the RIAA (Recording Industry in America) site provides a list of legal music sites. We recommend the use of those sites.

For further information, visit the Wikipedia site on DMCA, Concordia's policy on DMCA and the Educause site on HEOA and P2P.

### ***Digital Millennium Copyright Act (DMCA)***

The Digital Millennium Copyright Act (DMCA) is legislation enacted by the United State Congress in October 1998 that made major changes to US Copyright Act. These changes were necessary in part to bring US Copyright law into compliance with the World Intellectual Property Organization (WIPO) Copyright Treaty and the WIPO Performances Phonograms Treaty. The DMCA also strengthened the legal protection of intellectual property right in the wake of emerging new information communication technologies.

### ***Higher Education Opportunity Act***

The Higher Education Opportunity Act (HEOA) of 2008 requires campuses to deal with unauthorized file-sharing on campuses including (a) an annual disclosure to students describing copyright law and campus policies related to violating copyright law; (b) a plan to "effectively combat" copyright abuse on the campus network using "a variety of technology-based deterrents"; and (c) "offer alternatives to illegal downloading"

### ***Review of the Policy***

This policy may be reviewed from time to time. The Associate Provost / Chief Information Officer, in collaboration with the College Community, is responsible for determining when the policy needs to be reviewed and modified.

**Original draft date:** 02/15/2010

**Approval date:** 02/22/2010

**Effective date: 02/22/2010**  
**Revision date:**