

## 5.0 File Sharing Policy

### 5.1.0 Purpose

All members of the University community are required to follow the University's [Acceptable Use Policy for Information Technology](#) (AUP). The AUP, among other things, requires that you not share copyrighted material over the University network, including through the use of e-mail, web pages, and peer-to-peer file sharing software.

### 5.2.0 Scope

This policy, File Sharing Policy, (FSP) applies to all users of information technology within the University. This applies to University owned computers as well as personally owned computers if they are accessing the University network. Please be sure that you have rights for any material you are making available or sharing on the University network.

### 5.3.0 Policy

The unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may subject you to disciplinary action as well as civil and criminal liabilities. A detailed description of the University's policies concerning disciplinary actions for the unauthorized distribution of copyrighted material is set forth in the [University's Student Manual](#).

A summary of the civil and criminal penalties for violation of Federal copyright laws is as follows:

1. Infringer pays the actual dollar amount of damages and profits; or
2. The law provides a range from \$750 to \$30,000 for each work infringed, unless the court finds that the infringement was willful. In such cases, the maximum penalty is increased to \$150,000.
3. The court may award attorneys' fees and court costs.
4. The court can issue an injunction to stop the infringing acts.
5. The court can impound the illegal works.
6. The infringer can be sent to jail for up to 10 years.

Click the link for the full text of [Chapter 5 of the Copyright Law of the United States of America, "Copyright Infringement and Penalties"](#).

#### 5.3.1 Sanctions Procedures

Suspected violations of the AUP and FSP are to be reported in writing to the Director of Information Technology. The Director will be responsible for the investigation of the alleged violation. Based on the findings the Director will have the right to temporarily suspend the computer privileges of the individuals involved in the violation until the completion of the University judicial process. As a part of the

investigation it may become necessary for college authorities to examine electronic files, accounting information, printouts, tapes, or any other materials on University equipment. For potential liability reasons, the University reserves the right to monitor all communications on the college system.

The Director of Information Technology will forward the findings of the investigation to the appropriate University official for further disciplinary action as follows: for student violations, the Dean of Student Development or the Center Director, Program or Regional Director; for faculty violations, the Dean of Faculty for the Fayette campus or the AVP of Academic Extension; or for staff violations, the direct supervisor. The appropriate University official will follow the disciplinary hearing procedures as outlined in the Student Handbook.

Sanctions for the violations of the AUP and FSP may include but are not limited to loss of computer privileges, reprimand, suspension or expulsion for students and discharge from employment to possible prosecution by state and federal authorities for employees.

### 5.3.8 Disclaimer

Upper Iowa University does not warrant that the functions or services performed by or that the information or software contained on the University's technology resources will be kept confidential, meet the user's requirements or that resources will be uninterrupted or error-free or that defects will be corrected. The University does not make any warranties, whether expressed or implied including, without limitation, those of merchantability and fitness for a particular purpose, with respect to any technological products or services or any information or software contained therein.

### 5.4.0 Revision History

Date	Revision #	Description of Change
02/2010	1.0	Initial creation.

### 5.5.0 Inquiries

Terry Smid  
Director of IT  
Upper Iowa University  
Email: [smidt@uiu.edu](mailto:smidt@uiu.edu)