



UNIVERSITY POLICY

INFORMATION TECHNOLOGY POLICIES

Number: 501
Subject: File Sharing Policy
Covered Individuals: All Stakeholders
Covered Campus Locations: All Locations
Effective Date: 02/2010
Date of Latest Revision: May 20, 2020

PURPOSE

All members of the Upper Iowa University (University or UIU) community are required to follow the University's Acceptable Use Policy for Information Technology (AUP). The AUP, among other things, requires that copyrighted material not be illegally shared over the University network, including through the use of email, web pages, and peer-to-peer file sharing software.

DEFINITIONS

N/A

POLICY

This 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. Users must have the rights to any material made available or shared on the University network.

The unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may result in disciplinary action as well as civil and criminal liabilities. Students, staff, and faculty are subject to disciplinary actions for the unauthorized distribution of copyrighted material as set forth in their respective handbooks.

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 incarcerated for up to 10 years.

RULES, PROCEDURES, GUIDELINES, FORMS, AND OTHER RELATED RESOURCES

Link to University Copyright Policy:

<https://uiu.edu/wp-content/uploads/103-Copyright-Policy-4.22.2020-1.pdf>

17 U.S. Code Chapter 5, “Copyright Infringement and Remedies”

<https://www.copyright.gov/title17/chapter5.pdf>

CONTACTS

Acting as the Policy Owner, the Executive Director of Information Technology Services (ED of ITS) is responsible for answering questions regarding the application of this policy.

SANCTIONS

Suspected violations of the AUP and FSP are to be reported in writing to the ED of ITS. The ED, or designee, will be responsible for the investigation of the alleged violation. Based on the findings the ED, or designee, 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 University 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 University system. The ED of ITS, or designee, will forward the findings of the investigation to the appropriate University official for further disciplinary action as follows: for student violations, the Assistant Vice President for Student Life or the Center Director, Program or Regional Director; for faculty violations, the relevant academic Dean; or for staff violations, the direct supervisor. The appropriate University official will follow the disciplinary hearing procedures as outlined in the applicable Handbook. Sanctions for 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.

HISTORY

- 02/2010 – Initial creation
- May 11, 2020 – Revised policy considered by University Policy Committee (UPC); vote put on hold until additional changes are made
- May 14, 2020 – UPC electronic vote in favor of policy draft as amended; policy recommended to President’s Council (PC)

- May 20, 2020 – PC recommends approval to President Duffy; the President approves the policy.