



MISERICORDIA  
UNIVERSITY

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Policy Steward: *Mark Reboli: Networking and  
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Area: *IT, Networking Group*

## Peer-to-Peer Policy

### I. Reason for the Policy

Misericordia University, as an academic institution, participates in the provisions intended to reduce illegal download and upload of copyright material through peer-to-peer (P2P) file sharing. This policy addresses the use of P2P file sharing and the University compliance.

### II. Policy Statement

The University prohibits the use of peer-to-peer applications in an illegal or unethical manner. The University ensures compliance with the Higher Education Opportunity Act (HEOA), and all other applicable laws and regulations.

### III. Who Should Read This Policy

This policy applies to users of any system's information or physical infrastructure regardless of its form or format, created or used to support the university. It is the user's responsibility to read and understand this policy and to conduct their activities in accordance with its terms.

### IV. The Policy

The university has implemented technical controls which allow us to review traffic based on type. All community members must respect all copyright laws. Unauthorized distribution of copyrighted material and unauthorized peer-to-peer sharing may be subject to civil and criminal liabilities.

The university is under no obligation to protect a User from a complaint or action arising from any violation, or alleged violation of the law, including infringement of any intellectual property right due to use of peer-to-peer, or any other type of file-sharing, software, or networks.

Users should understand material accessible through the Internet does not mean that accessing such material is authorized by the third-party rights holders. In some cases, content is only accessible after a User pays for it and may not be authorized for distribution by those who hold rights to that content.

The University employs various deterrents such as bandwidth management technology to ensure peer-to-peer programs do not degrade network speeds or any other portion of the IT Resources.

- Misericordia IT uses tools to perform this work and reserves the right to install or change packet shaping,

URL filtering, and/or traffic monitoring technologies at any time.

- Should peer-to-peer programs degrade the performance of the IT Resources, appropriate action will be taken against the User or Users responsible for such degradation or another negative impact.

Users should be aware that peer-to-peer applications are not necessarily harmless and using them, in addition to potentially degrading the IT Resources' performance, may:

- Violate the copyright, patent, trademark, or other rights;
- May result in the disclosure of confidential information; and
- May jeopardize the security of the IT Resources.

The University implements safeguards against the illegal exchange and distribution of copyrighted materials. Disproportionate bandwidth usage and the unauthorized use or distribution of copyright materials constitutes a violation of the Acceptable Use of Information Technology Resources Policy.

## 1. Compliance

Misericordia University Information Technology Department receives electronic notices alleging copyright infringement. Notices are received from a variety of sources including but not limited to the Recording Industry Association of America (RIAA), Motion Picture Association of America, Sony BMG, HBO, CBS, NBC and other organizations, affiliates and agencies representing the interests of copyright holders.

The Information Department (IT) takes the following action with each allegation as follows:

- IT staff investigate the allegation using the IP address, IP port, and data and time conveyed in the notice. Once verified, the information is matched to the login and activity records to determine the identity of the user. All relevant information regarding the allegation is recorded in an IT maintained database.
- A warning letter from the Information Security Officer is sent to the user by email with the original allegation correspondence. The warning letter contains information about potential consequences and an offer for technical assistance to cease all peer-to-peer file sharing activity.
- The second warning notice will also be sent to the Dean of Students so student disciplinary process can be followed, with the recommendation to suspend the network service for the student's devices for a period of 30 days.

IT will not reveal the identity of an alleged copyright infringer to the requesting authority but if, in the future, it is presented with a subpoena, IT may be required to reveal a user's identity and turn over the discovery information regarding the alleged user's network activity.

Misericordia has provided several efforts to educate students on Issues of P2P file sharing including:

- This policy
- Announcements on the myMU portal
- IT portlet information on the myMU portal
- Misericordia University student Handbook (via policies)

## 2. Currently Blocked Applications

Misericordia has determined to not list all sites that are blocked except for larger ones that have been questioned repeatedly or that have had a major impact on the resources of the University including network bandwidth, or sites that have been linked directly to several cease-and-desist notices from agencies representing DCMA, RIAA, MPAA, Sony, HBO, and others. This information is available in the IT portal located on the myMU portal.

## V. Definitions

**Peer-to-Peer applications** - are programs that allow computers to share data in the form of music, movies, games, or any computer file or software over a local network and the Internet without accessing a centralized distribution server or set of servers.

## VI. Procedures

### 1. Procedures in Place to Reduce Illegal Peer-to-Peer file sharing

Misericordia periodically reviews the information from letters or allegations received to better constitute a response as per compliance and our role in addressing infringements. This includes the right of the University to provide equitable network services to all our users, the IT Department reserves the right to block abusive or dangerous file sharing protocols. Systems attempting to use a banned application may be blocked from all network access until the offending program is removed.

#### Attachments

No Attachments

#### Approval Signatures

Step Description	Approver	Date
Final Approval	Daniel Myers: President	09/2021
Final Review	Mark Van Etten: Vice President, Finance and Administration	09/2021
	Val Apanovich: Director of Information Technology	09/2021
	Mark Reboli: Networking and Telecommunications Manager	09/2021