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Area IT,
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Peer-to-Peer Policy

I. Reason for the Policy

Misericordia University is committed to preventing the illegal downloading and uploading of copyrighted material through peer-to-peer (P2P) file sharing. This policy addresses the use of P2P file-sharing applications and the University's compliance with applicable laws and regulations.

II. Policy Statement

The University prohibits the illegal or unauthorized use of peer-to-peer applications. The University is committed to 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 all users of the University's information technology resources, systems, services, and physical infrastructure, regardless of format. Each user is responsible for reading, understanding, and complying with this policy.

IV. The Policy

The University has implemented technical controls to monitor and manage network traffic. All users shall comply with applicable copyright laws and regulations. Unauthorized distribution of copyrighted material through peer-to-peer applications or other file-sharing technologies may result in civil or criminal liability.

The University is not obligated to defend, indemnify, or otherwise shield users from legal actions arising from alleged copyright infringement or violations related to peer-to-peer or file-sharing software.

Users should recognize that material accessed through the internet is not necessarily authorized for distribution. Content may be subject to copyright protection and may require payment, licensing, or other authorization before use or distribution.

The Director of Information Technology or designee reserves the right to implement, modify, or remove technical controls, including bandwidth management, packet shaping, URL filtering, traffic monitoring, and other measures necessary to protect University information technology resources and maintain network performance.

Should peer-to-peer applications negatively affect University information technology resources, the University may take appropriate action against the responsible user(s).

Users should be aware that peer-to-peer applications may:

- Violate copyright, patent, trademark, or other intellectual property rights;
- Disclose confidential or protected information; and
- Jeopardize the security, availability, or integrity of University information technology resources.

The University maintains safeguards intended to deter the unauthorized distribution of copyrighted materials. Excessive bandwidth consumption and unauthorized distribution of copyrighted materials may also constitute violations of the Acceptable Use of Information Technology Resources Policy.

1. Compliance

The University may receive notices alleging copyright infringement from copyright holders, their representatives, industry organizations, Internet service providers, or other authorized parties.

Upon receipt of a notice or allegation, the Director of Information Technology or designee may:

1. Investigate the allegation utilizing information provided, including IP address, port, date, and time information. Where appropriate, University records may be reviewed to identify the responsible user and document the incident.
2. Provide notification to the user, which may include a copy of the allegation, information regarding applicable laws and policies, and resources to assist in discontinuing prohibited activities.
3. Refer repeated or serious violations to the appropriate University officials, including the Dean of Students, for review and disciplinary action, which may include suspension of network access or other sanctions consistent with University policies and procedures.

The University will not disclose the identity of an alleged infringer except as required by law, subpoena, court order, or other legally authorized process.

The University educates students regarding peer-to-peer file sharing and copyright compliance through:

- This policy
- Announcements and resources available through University systems and portals;
- Information Technology communications and educational materials; and
- The Misericordia University Student Handbook

V. Definitions

Peer-to-peer applications - Programs that enable the direct sharing of music, movies, software, or other electronic content between users over a network without the use of a centralized server.

VI. Procedures

1. Procedures in Place to Reduce Illegal Peer-to-Peer File Sharing

The Information Technology Department periodically reviews technologies, procedures, and network controls used to reduce illegal peer-to-peer file sharing and protect University information technology resources.

The Director of Information Technology or designee reserves the right to restrict, manage, or block file-sharing applications, protocols, or services that create security, legal, compliance, operational, or performance concerns.

Approval Signatures

Step Description

Approver

Date

Final Approval

Daniel Myers: President

08/2026

Final Review

Mark Van Etten: Executive Vice President

08/2026

David Johndrow jr: Director of Information Technology

07/2026

Mark Reboli: Networking and Telecommunications Manager

07/2026