

**TEXAS A&M**  
**INTERNATIONAL**  
**UNIVERSITY™**  
**Standard Administrative Procedure**

**29.01.99.L1.27 Peer-to-Peer File Sharing Software**

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**Standard Administrative Procedure Statement**

**General**

It is the responsibility of Texas A&M International University (TAMIU) to prevent the unauthorized distribution of copyrighted material through illegal downloading or peer-to-peer distribution of intellectual property through the University network.

**Applicability**

The Higher Education Opportunity Act requires institutions to take steps to combat the unauthorized distribution of copyrighted materials through illegal downloading or peer-to-peer distribution of intellectual property. This SAP applies to all individuals who use TAMIU Information Resources.

**Definitions**

**Information Resources (IR):** Any computer printouts, online display devices, magnetic storage media, and all computer-related activities involving any device capable of receiving email, browsing websites, or otherwise capable of receiving, storing, managing, or transmitting electronic data including, but not limited to, mainframes, servers, personal computers, notebook computers, hand-held computers, tablets, distributed processing systems, network attached and computer controlled medical and laboratory equipment (i.e. embedded technology), smartphones, telecommunication resources, network environments, telephones, fax machines, printers and service bureaus. Additionally, it includes the procedures, equipment, facilities, software, and data that are designed, built, operated, and maintained to create, collect, record, process, store, retrieve, display, and transmit information.

**Office of Information Technology (OIT):** The name of the TAMIU department responsible for computers, networking and data management.

**Peer-to-Peer (P2P):** An approach to content distribution in which digital files are transferred between “peer” computers over the internet. As a new channel for content distribution, P2P changes the conventional hierarchy of information. The roles of producer, consumer, and gatekeeper of digital content blur, and more information and resources can be delivered to more people and applications than otherwise would be possible.

**RIAA:** Recording Industry Association of America which works to protect the intellectual property and First Amendment rights of artists and music labels. It conducts consumer, industry and technical research, and monitors and reviews state and federal laws, regulations and policies.

## ***Procedures and Responsibilities***

### **1. Rule Enforcement**

- 1.1 TAMIU has mechanisms in place that provide policy-based visibility and control over applications, users and threats.
- 1.2 TAMIU's Intrusion Detection System has been configured to block and/or disrupt network traffic originating to and from networks and protocols that are used extensively for illegal file sharing utilities.

### **2. Community Notification**

- 2.1 Annually, students are notified of the P2P file sharing SAP. The notification includes examples on how to avoid violation of TAMIU rules and copyright law.
- 2.2 The TAMIU student handbook includes a section on penalties for violating copyright law.
- 2.3 OIT annually notifies TAMIU community members of copyright law and penalties, University rules, federal law, and methods of avoiding violation of these laws and regulations.
- 2.4 OIT displays rules, regulations and best practices in public computing areas such as computer labs.

### **3. Incident Handling**

- 3.1 As per TAMIU [Rule 29.01.99.L1](#), *Use of Information Resources and Facilities*, it is expected that all members of the TAMIU community use information resources and facilities in accordance with University rules and system policies. Failure to fulfill these responsibilities may lead to the cancellation of account(s), disciplinary action by TAMIU, and/or referral to legal and law enforcement agencies.
- 3.2 If a user violates TAMIU's rules and/or copyright law, the following steps may be taken:
  - 3.2.1 A verbal or written warning will be given to cease and desist from violating actions.
  - 3.2.2 User access will be suspended for up to 72 hours.
  - 3.2.3 A written notification of violation will be sent to the appropriate VP or TAMIU police department for disciplinary action.
  - 3.2.4 Student information will be sent to Judicial Affairs department.

### **4. Plan Review**

- 4.1 OIT will monitor network logs in an effort to prevent unauthorized distribution of copyrighted materials through peer-to-peer.

## 5. Legal Alternatives

5.1 TAMIU's OIT website displays a list of legal alternatives.

<http://oit.tamtu.edu/index.php/archives/software-resources/>

### ***Related Statutes, Policies, Regulations, Rules or Requirements***

Copyright infringement is the act of exercising, without permission or legal authority, one or more of the exclusive rights granted to the copyright owner under section 106 of the Copyright Act (Title 17 of the United States Code). These rights include the right to reproduce or distribute a copyrighted work. In the file-sharing context, downloading or uploading substantial parts of a copyrighted work without authority constitutes an infringement.

Penalties for copyright infringement include civil and criminal penalties. In general, anyone found liable for civil copyright infringement may be ordered to pay either actual damages or "statutory" damages affixed at no less than \$750 and no more than \$30,000 per work infringed. For "willful" infringement, a court may award up to \$150,000 per work infringed. A court can, in its discretion, also assess costs and attorneys' fees. For details, see Title 17, United States Code, Sections 504, 505.

Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five years and fines of up to \$250,000 per offense.

For more information, please see the Web site of the U.S. Copyright Office at [www.copyright.gov](http://www.copyright.gov), especially their FAQ's at [www.copyright.gov/help/faq](http://www.copyright.gov/help/faq)

### ***Appendix***

The Higher education Opportunity Act of 2008 (HEOA)

HEOA provisions

EDUCASE File Sharing Resources

Peer-to-peer file sharing

Student and Faculty personal computing resources

<http://oit.tamtu.edu/index.php/archives/software-resources/>

RIAA. The Law

[http://www.riaa.com/physicalpiracy.php?content\\_selector=piracy\\_online\\_the\\_law](http://www.riaa.com/physicalpiracy.php?content_selector=piracy_online_the_law)

Legal Music Sites

[http://www.riaa.com/toolsforparents.php?content\\_selector=legal\\_music\\_sites](http://www.riaa.com/toolsforparents.php?content_selector=legal_music_sites)

**Contact Office**

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