

Policy on Peer to Peer File Sharing Program

The Higher Education Opportunity Act of 2008 requires institutions to take steps to combat the unauthorized distribution of copyrighted materials through peer to peer distribution or illegal downloading of intellectual property.

Peer to Peer (P2P) file sharing programs were developed to allow distribution and/or shared access to digitally stored information, such as computer programs, multi media (music and video), documents, or electronic books. P2P file sharing programs are not by themselves illegal. However, when they are used in aid of violating copyright laws by sharing copyright protected files without the authorization or consent by the copyright owners, they become illegal. Most commercially produced music and movies are copyrighted and cannot be freely shared. Using P2P file sharing software to distribute copyrighted materials without the permission and consent of the copyright holder is illegal and subjects the violator to the penalties provided for in the U.S. copyright laws. Unauthorized distribution of copyrighted materials can lead to both civil and criminal penalties.

Members of the College community must follow institutional policies for appropriate use of technology resources as well as comply with all Federal, New York State and other applicable copyright laws.

Digital Millennium Copyright Act (DMCA)

The DMCA is an amendment to the Copyright Act that can protect the college from liability for copyright infringement by users if we comply with certain conditions.

The DMCA requires the College to designate an agent to receive notice of claimed infringement by providing contact information on the College's public website. The designated agent at the College is the Office of Legal Affairs, 533 College Road, NFL-230, Selden, NY 11784.

In order to receive the benefit of the Act, the College is required to respond when notified of a claimed violation and to take appropriate disciplinary action against the alleged infringers.

Annual Disclosure Requirement

Annually, the following statement will be distributed to all SCCC faculty, staff and students and be posted on the College website;

Suffolk County Community College complies with the provisions of the Digital Millennium Copyright Act (DMCA). It is illegal, as described in the Federal Law, and more recently the DMCA to download, upload, or distribute in any fashion, copyrighted material, in any form without permission or a license to do so from the copyright holder.

Legal Alternatives to P2P File Sharing

There are numerous free and commercial services available that provide legal types of digital content including such things as popular music and video titles. For a list of resources and legal alternatives for downloading, visit <http://www.educause.edu/legalcontent>.

SUNY Suffolk strongly recommends that students and other members of the College community utilize these or such other services as ways to insure that their uses of electronic media does not violate copyright law.

Plan to Combat Unauthorized Distribution Using Technology-based Solutions

Suffolk Community College currently receives and investigates infringement notices. If the information provided can result in positive identification, the request will then be forwarded to our Office of Legal Affairs for review of legitimacy and for recommendation of action.

Institutional Policies and Disciplinary Procedures

Violation of the Peer to Peer File Sharing Policy may result in suspension or termination of your right to access to SUNY Suffolk wireless network, referral to law enforcement authorities for criminal prosecution or other action, including action to recover civil penalties. Violators may also be subject to College disciplinary procedures and/or other discipline as may be imposed by the Office of Student Affairs.

Federal Copyright Laws Civil and Criminal Penalties Summary

Penalties for copyright infringement include civil and criminal penalties. In general, anyone found responsible for civil copyright infringement may be ordered to pay either actual damages or “statutory” damages affixed at not less than \$750 and not more than \$30,000 for work infringed. For “willful” infringement a court may award up to \$150,000 for work infringed. A court can in its discretion also assess cost and attorneys fees.

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 regarding the civil and criminal penalties, visit the website of the U.S. Copyright Office at www.copyright.gov/help/faq.