



Felician College Peer-to-Peer File Sharing Policy

Felician College maintains a campus network to support and enhance the academic and administrative needs of our students, faculty, staff and other campus users. The college is required by Federal Law – H.R. 4137, Higher Education Opportunity Act (HEOA) – to make an annual disclosure informing students that illegal distribution of copyrighted materials may lead to civil and/or criminal penalties. Also, the HEOA requires institutions to take steps to detect and punish users who illegally distribute copyrighted materials. The college must certify to the Secretary of Education that a policy is in place. Finally, the HEOA requires the college to provide alternatives to illegal file sharing. All users are encouraged to check the list of ["Alternatives to Illegal Downloading"](#).

Although the HEOA makes reference only to students using Peer-to-Peer, this policy applies to all Felician College network users. The College reserves the right to suspend or terminate network access to any campus user if the violation is deemed severe. Likewise, network access may be suspended if any use is impacting the operations of the network. Violations may be reported to appropriate authorities for criminal or civil prosecution.

First Violation

The first time a report of distributing or downloading copyrighted files is received, the person who was using the computer at the given time is notified by the Chief Information Officer (CIO) of the violation via an email sent to their campus email address. The user must respond within two business days.

If the user does not respond within two business days the user's network access is suspended (the user's network connection is disabled) immediately and until the situation is resolved. E-mail and other accounts are not disabled. The user is required to submit a signed [Technology Copyright Violation Certification Page](#) that states that the user understands copyright issues and the ramifications of a subsequent offense or to demonstrate that the notification was unwarranted. Network access will be restored no sooner than two business days after receipt of the certification page. The CIO will send notifications via email of violations to the appropriate vice president, dean, supervisor, sponsor and/or other appropriate personnel. Users who receive notifications of copyright violations are strongly encouraged to review the educational materials located at the campus web-site: <http://www.felician.edu/departments/Technology/copyright.html>

If the user feels the warning is erroneous, he/she must show evidence to the CIO that the file(s) was used legally or was not copyrighted. Notifications of all violations will be maintained by Information Technology. If any notification is shown to be unwarranted, no record of the violation notification is retained.

Second Violation

If a second notification of violation is received, network access shall be suspended immediately. The user is again informed of the violation from the CIO. Second violations involving students are forwarded to the Student Conduct Board and those involving faculty or staff are referred to the Administrative Office. Administrative Office will notify the appropriate Council member of the violation. Network access is not restored, if at all, until the case is ruled on by Student Conduct Board, or reviewed and decided by the appropriate Council member and the CIO. The Student Conduct Board or the Council member can impose whatever sanctions – including termination of network access; probation, suspension, expulsion (for students); or disciplinary action (for faculty and staff) – as deemed appropriate.

The existence and imposition of Felician College sanctions do not protect members of the campus community from any legal action by external entities or the college itself.