The New England College of Optometry Peer To Peer (P2P) Policy
Created in Compliance with the Higher Education Opportunity Act (HEOA) Peer-to-Peer File Sharing Requirements

Overview:
Peer-to-peer (P2P) file sharing applications are used to connect a computer directly to other computers in order to transfer files between the systems. Sometimes these applications are used to transfer copyrighted materials such as music and movies. Examples of P2P applications are BitTorrent, Gnutella, eMule, Ares Galaxy, Megaupload, Azureus, PPStream, Pando, Ares, Fileguri, Kugoo. Of these applications, BitTorrent has value in the scientific community.

For purposes of this policy, The New England College of Optometry (College) refers to the College and its affiliate New England Eye Institute, Inc.

Compliance: In order to comply with both the intent of the College's Copyright Policy, the Digital Millennium Copyright Act (DMCA) and with the Higher Education Opportunity Act's (HEOA) file sharing requirements, all P2P file sharing applications are to be blocked at the firewall to prevent illegal downloading as well as to preserve the network bandwidth so that the College internet access is neither compromised nor diminished. Starting in September 2010, the College IT Department will block all well-known P2P ports on the firewall at the application level. If your work requires the use of BitTorrent or another program, an exception may be made as outlined below. The College will audit network usage/activity reports to determine if there is unauthorized P2P activity; the IT Department does random spot checks for new P2P programs every 72 hours and immediately blocks new and emerging P2P networks at the firewall.

If a system is detected to have engaged in unauthorized P2P activity on the network, wired or wireless, a block will be immediately be put in place on that application. Engaging in unauthorized P2P traffic on the College wired or wireless network is considered a clear violation of the College's policies as noted in the employee and student handbooks.   **If access is needed:**

If the use of P2P is needed for research or legitimate activity by a faculty or staff member, the individual's department head can request that IT allow the individual's access to utilize P2P sites. If a student needs access to a blocked file sharing program, the request should be made through his or her faculty member and the department chair of the respective course's department.

IT will make a reasonable attempt to accommodate the approved request for access within a 48-hour period. Access will continue until removal is requested by the authorizing person or the individual with access. If IT is not contacted, access will be removed at the end of the academic year.

All network users, whether or not they have obtained approval as outlined above, understand that they are solely responsible for all risk(s) and possible copyright infringement while

connected to these P2P sites when using the College wired or wireless network.

Summary: The College's IT Department may not always be successful in preventing the use of these applications. If a DMCA violation notice is received, the offending system will be immediately removed from the network, pending a further investigation. Once the user is identified, an official notice is sent from the Director of IT to the user and his or her department chair or head. If the user is a student, an official notice will be sent to the student and the Associate Dean of Students. The violation also may be referred to the Student Affairs Committee as an act of unprofessional conduct. The user's information is kept on file with Human Resources or with the Associate Dean of Students. In the event of a second offense, the user may be restricted from using the College network for six months. If the user requires the use of the NECO networks for their job, this may result in termination.

Alternatives:

For a list of legitimate sources of digital content, Educause maintains a comprehensive list:
(http://www.educause.edu/Resources/Browse/LegalDownloading/33381)

Annual Disclosure:
The College uses a range of methods to inform its community about copyright law as well as the College's response to copyright infringement claims:

- Posters are being mounted in student computer labs and elsewhere to discourage illegal file sharing.
- At the start of each academic year, each class will be given a brief overview and update on the policies in one of their initial lecture meetings.
- IT and Library Staff are regularly trained on copyright issues and related best practices. Both staffs will be a resource for the College community for guidance on copyright and P2P issues.
- The College's statement concerning the Digital Millennium Copyright Act and its response to infringement claims are published on the College's web site.
- Periodically, all College employees will receive email from the President or other officers regarding copyright infringement and related issues.
- Language outlining the Digital Millennium Copyright Act has been added to the Student Handbook and is reviewed annually. Periodic updates regarding the DMCA are provided to students immediately via the College's website.

Contact: policies@neco.edu