

VASSAR COLLEGE

VICE PRESIDENT FOR COMPUTING AND INFORMATION SERVICES

To: Members of the Vassar Community
Subject: Peer to Peer (P2P) file Sharing and the Vassar Network
Date: August 24, 2005

The popular press continues to proliferate information about the use of Peer to Peer (P2P) file sharing software, specifically with respect to the sharing of copyrighted music and videos. We wanted to take a moment to describe Vassar's position on this issue and to let you know the procedures that are in place for responding to requests from copyright holders or their official designees.

Some may wish to debate the current state of copyright law and how it applies to the sharing of music and videos. However, the fact remains that under most circumstances distributing copyrighted materials without first obtaining permission of the copyright holder is a violation of existing copyright law. Much of the commercially produced music distributed using P2P software is covered by copyright law and thus cannot be shared without first obtaining permission of the copyright holder.

The Digital Millennium Copyright Act (DMCA) presents a clear set of procedures that Vassar must follow when we receive notice that an individual using the College network may be violating copyright laws. When the College receives official notice of a violation from a copyright holder or their official designee, the Office of the Dean of Students (in cooperation with Computing and Information Services, CIS) notifies the individual of that complaint. We do this by forwarding the notice of infringement to the individual via email and asking that the infringing material be removed within 48 hours. If we do not hear back from the individual within 48 hours we terminate network access for the computer in question. This is done both to protect the individual from continuing to violate the law and to protect the College. The DMCA does provide individuals with an opportunity to claim that the material is not protected by copyright or that they have a right to have and/or distribute such information. In this case, a legal process would begin as specified in the DMCA. To date, all notices received by Vassar have resulted in the removal of the infringing material.

The DMCA also requires the College to establish procedures for repeat offenders. In such a case, the Office of the Dean of Students, in conjunction with CIS, will immediately terminate network access and refer the matter to the appropriate campus judicial body/bodies for further action.

The use of P2P software in and of itself does not violate any laws. In fact, Vassar College does not prevent the use of such software programs. It is the information that is shared that is subject to copyright law. However, a recent decision by the United States Supreme Court may have an impact on the use of specific types of P2P software (please see <http://www.supremecourtus.gov/opinions/04pdf/04-480.pdf>).

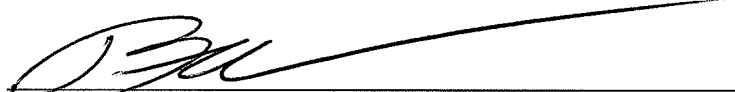
Vassar College does not monitor the specific content of the information that travels across the College network or through the College's connection to the Internet. However, Vassar does monitor the type of information that travels across the College network and through our connection to the Internet. That is, while we monitor the amount of traffic devoted to MP3 files, we do not look at the specific music contained within those files. This monitoring, and the regulation of the amount of network bandwidth used by various types of information, allows us to balance academic and non-academic uses of the network in order to best utilize our finite resources.

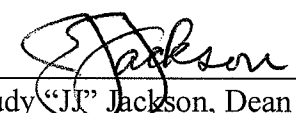
In response to normal notices of infringement, Vassar College will not release to the copyright holder the names of any individuals, or any other personally identifiable information. Recently, however, copyright holders have been seeking subpoenas to obtain the names of individuals sharing copyrighted information. If Vassar College does receive such a subpoena, we are required to release the name of the individual violator(s).


The sharing of materials protected by copyright is a serious matter. People caught sharing music files illegally have been subpoenaed and subjected to substantial fines. If you share copyrighted materials illegally you put yourself at risk of losing computer access, of facing a variety of College judicial committees, and of facing prosecution under civil and criminal laws.


If you have any questions about this important issue, please feel free to contact one of us.

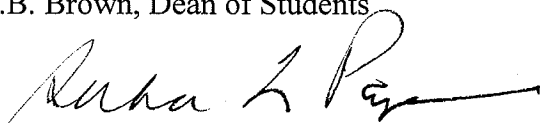
Signed:


Bret Ingerman, Vice President for Computing and Information Services


Judy "JJ" Jackson, Dean of the College


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