

# SOUTHWESTERN

LAW SCHOOL  
Los Angeles, CA

## Peer-to-Peer File Sharing Policy

**Administrative policy approved May 31, 2023. Effective immediately.**

**Revision history:** Formerly a part of the annually revised Student Handbook and annually revised Employee Handbook; established as a standalone policy May 2023.

**Related policies:** Computer and Network Use Policy

**Scheduled Review Date:** June 2025

### A. Policy Statement

The Higher Education Opportunity Act of 2008 (HEOA) includes provisions designed to reduce the illegal uploading and downloading of copyrighted works through peer-to-peer (P2P) file sharing. P2P file sharing refers to using software that allows computer users to connect with a P2P network to search for shared files on the computers of other users connected to the network. All higher education institutions that accept federal financial aid are required to:

1. readily make available a disclosure that informs employees and current and prospective students that illegal distribution of copyrighted materials may subject them to criminal and civil penalties and describes steps the institution takes to detect and punish illegal distribution activities;
2. certify to the Secretary of Education that the institution has developed a plan to combat the unauthorized distribution of copyrighted material effectively;
3. offer alternatives to illegal file sharing; and
4. identify procedures for periodically reviewing the plan's effectiveness to combat the unauthorized distribution of copyrighted materials.

All users of Southwestern Law School's computer network, including students, admitted applicants, and employees, are prohibited from using the network to illegally download or share copyrighted materials, including music, games, movies, and videos. Such activity is illegal and may subject the user to various serious civil and criminal penalties. It also may inadvertently expose confidential information or make Southwestern computers

insecure. Southwestern uses various methods to combat the illegal sharing of copyrighted materials.

**B. Disclosure**

This policy and Southwestern's Computer and Network Use Policy are posted on the [Institutional Policies](#) page of Southwestern's website. The Computer and Network Use Policy covers inappropriate network use, including illegally distributing copyrighted materials.

**C. Plan to Combat the Unauthorized Distribution of Copyrighted Materials Effectively**

Southwestern currently uses a technology deterrent that classifies network activity and is configured to prioritize educational uses of the network and to throttle P2P file-sharing activity. Southwestern also employs tools to monitor network traffic. If the tool discovers a system using excessive bandwidth, Information Technology will contact the system owner to confirm that the bandwidth consumption is for valid educational purposes and that the owner is aware of Southwestern policies on P2P file sharing. Information Technology staff are regularly trained in detecting and preventing copyright and illegal sharing issues.

Southwestern also employs a vigorous program of accepting and responding to Digital Millennium Copyright Act (DMCA) notices.

**D. Alternatives to Illegal File Sharing**

Before a Southwestern network user receives any downloaded media for free, they should research whether that source provides material licensed by a copyright owner. Educause provides a current list of licensed sources at <https://www.educause.edu/focus-areas-and-initiatives/policy-and-security/educause-policy/legal-sources-online>.

**E. Summary of Civil and Criminal Penalties for Violating Federal Copyright Laws**

Copyright infringement is an 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. Individuals who violate copyright law by illegally uploading and downloading copyrighted files may be subject to actual damages or statutory damages under federal law ranging from \$750 to \$30,000 per work and up to \$150,000 per work for a willful infringement. A court may, in its discretion, grant the copyright owner reasonable attorney fees. Although criminal prosecution of students for file sharing is extremely rare, federal law lays out criminal penalties for intentional copyright infringement, which can include imprisonment of up to five years and fines of up to \$250,000 per offense. For details, see 17 U.S.C. §§ 504, 505, 506 (2018) and 18 U.S.C. §§ 2319, 3571(b)(3) (2018). For more information, please visit <https://www.copyright.gov>.

**F. Annual Review**

Southwestern will review this policy annually to determine whether it effectively combats the unauthorized distribution of copyrighted material. The annual review will assess the overall effectiveness of Southwestern's policy based on the number of DMCA notices reviewed relative to the number of infringement-capable devices, the number of repeat offenders per year, results of network monitoring and classification, and user feedback. Any changes will take effect at the commencement of the following academic year.

**G. Consequences of Violating This Policy**

Violations of the policy may result in loss of computing privileges, including access to Southwestern's computer network, disciplinary action for employees, or referral to the Honor Code Committee for students. Activity that is illegal under local, state, or federal law will be referred to the appropriate law enforcement authorities. Violations of law by students must be disclosed to the state bar.

Violating copyright law and fair use provisions is also an impermissible use under Southwestern's Computer and Network Use Policy.

**H. Policy Revisions**

Southwestern reserves the right to change or modify any aspect of this policy at any time, with or without notice.