



Bemidji State University	
Student Handbook	
Policies and Procedures	
Section	Campus Policies
Policy	Student Technology Policy

BSU Student Technology Policy [1]

Access to the University network is a privilege that comes with both rights and responsibilities. All persons that use University technology resources are required to abide by the policies specified in the [Minnesota State Colleges and Universities Board of Trustees Acceptable Use of Computers and Information Technology Resources](#).

Restricted Activities

To ensure network security and reliability, Information Technology Services (ITS) reserves the right to disconnect any system that can be traced to exhibit excessive, unfriendly or illegal activities, including (but not limited to):

- **NO Copyright Infringements/Anonymous File Sharing:** Downloading or distributing copyrighted material (including but not limited to software, data, music, and video) through the use of anonymous file-sharing software, such as BitTorrent, Ares, Limewire, or through any other means, is prohibited by Federal law. The University will take immediate action upon receipt of "cease and desist" notices or upon discovery of any activities concerning copyright infringement. The University will respond to any incident in accordance to the Digital Millennium Copyright Act (DMCA).

A summary of the penalties for violation of federal copyright laws may be found below. In addition, detailed information concerning copyright infringement and subsequent penalties may be found at this U. S. Copyright Office website and also at the Cornell University Law School Legal Information Institute website.
<http://www.copyright.gov/>
http://www.law.cornell.edu/uscode/html/uscode18/usc_sec_18_00002319----000-.html

Criminal penalties may include fines and/or incarceration of up to 10 years. Anyone found in violation of federal copyright laws may be subject to civil penalties, including:

- o actual damages and profits, as determined by a court of law
 - o statutory damages up to \$150,000
 - o attorney fees of the prevailing party
- **NO Unauthorized Network Devices (Hubs, Routers):** There is a limit of one Ethernet connection per student. Devices that may provide extra connections (such as a wired or wireless hub, router or gateway) can cause network interference and are not allowed.
 - **NO Commercial Use:** Network use is limited to classroom, course-related, or personal educational use, such as email, course-work, and web browsing. Network use is restricted to non-profit use only; no commercial use of any kind is allowed.
 - **NO Servers:** Personal servers are not allowed on the University network. This includes web servers, email servers and anonymous file sharing servers (such as Ares and BitTorrent).
 - **NO Service Interference, Harassment or Abuse:** This includes excessive bandwidth usage, security breach attempts, network scanning, or physical damage to the network and/or individuals.

Disciplinary Action

Bemidji State University takes a strong stand against unlawful distribution of copyrighted music, movies and software. The University responds to copyright infringement notices from copyright owners who do actively search for such materials on the network.

If an individual is found to be illegally distributing copyrighted material using any university computing resources, disciplinary action will be taken as outlined below.

Individuals who violate copyright laws may be at risk of civil and criminal penalties. These penalties are summarized above under the heading *Summary of Civil and Criminal Penalties for Violation of Federal Copyright Laws*.

1st Offense: Students will receive a warning that their activities may be in violation of this Technology Policy and the Student Code of Conduct, and made aware of potential future consequences or penalties should violation of the policy continue.

2nd Offense: Network service will be disabled for forty-eight (48) hours, and the student will be referred to the University conduct system as allegedly in violation of the Code of Student Conduct. Students subsequently found in violation of the Code of Student Conduct may be subject to sanction, up to and including expulsion from the University.

3rd Offense: Network service will be disabled indefinitely and the student will be referred to the University conduct system as allegedly in violation of the Code of Student Conduct. Students subsequently found in violation of the Code of Student Conduct may be subject to sanction, up to or including expulsion from the University.

Copyright Violations

File-sharing applications such as Ares, BitTorrent and Morpheus make it easy to download or upload (serve) music, movies and video in digital format (MP3, AVI, etc.). In addition to their inherent security risks, use of these applications raises an important issue regarding copyright law. If students have questions concerning these topics, they should contact the Information Technology Services Help Desk at 218-755-3777 or helpdesk@bemidjistate.edu.

What is copyright?

Copyright law protects original works of authorship fixed in a tangible medium of expression. Copyright protection is automatic and works are protected from the moment they are created (whether they bear the © symbol or not).

Included among such original works are the following:

- Literary works
- Musical works, including any accompanying words
- Dramatic works, including any accompanying music
- Pantomimes and choreographic works
- Pictorial, graphic and sculptural works
- Motion pictures and other audiovisual works
- Sound recordings
- Architectural works

Providing or obtaining copyrighted files (music, movies, videos, text, etc.) without permission violates the U.S. Copyright Act. The Digital Millennium Copyright Act requires BSU to take action against anyone illegally distributing copyrighted materials

Legal Alternatives for Music and Video Downloads

A number of legal alternatives are available to students for music and video downloads. The suggestions for legal alternatives include, but are not limited to the following list.

- Napster
- iTunes
- lala
- MP3.com

Additional information

- The Digital Millennium Copyright Act – U.S Copyright Office Summary (PDF)
<http://www.copyright.gov/legislation/dmca.pdf>
- MnSCU Intellectual Property and Copyright Primer
<http://www.copyright.mnscu.edu/>

[1] Bemidji State University's Network Terms and Conditions of Use Policy is based upon the University of Minnesota Duluth's ResNet Policy on Network Terms and Conditions of Use and used with permission. (2007-2008).