Purpose: To support a policy of limiting the use of peer-2-peer applications on the University network.

WHEREAS, the current policy of the University of Missouri–Columbia allows peer-2-peer filing sharing on the University computer network to operate between the hours of midnight and 5 AM, and

WHEREAS, as a result of that policy, students can and do download and share copyrighted music, movies and other works over the Internet in violation of the personal property rights of the authors of those works, and

WHEREAS, because the University acts as its students’ Internet service provider, in order to prevent becoming contributory or vicariously liable for the copyright infringement performed by its students, it must respond to complaints made by copyright holders (DMCA complaints) for individual acts of infringement, and

WHEREAS, fifty-three DMCA complaints were received in the month of the September 2006, representing an increasing trend in the number of complaints received previously, and

WHEREAS, each DMCA complaint requires information security staff time, expertise and resources to identify the student named in the complaint, inform the student of his or her rights, disable access to the infringing material and respond to the complainant, and

WHEREAS, staff time and resources are generally correlative of state and student moneys being spent to remediate an activity that infringes the person property rights of others, and

WHEREAS, the information technology department already provides literature to all incoming students about the dangers, both legal and technological, of engaging in this activity, in informing students of the contours of United States copyright law, and in educating violators further on the safe and legal use of the Internet, and

WHEREAS, in a time where state funding is scarce and student fees are rising, those resources and staff time could be spent more productively within the information technology department advancing the legitimate interests of students, and

WHEREAS, the MU Information Technology Advisory Committee has recently approved a proposed policy that would have two major impacts:
• it would prevent the use of non-legitimate peer-2-peer applications on the University network in an effort to further deter this activity, and

• it would impose an administrative fee upon users who are the subject of a DMCA complaint in order to defer some or all of the costs of re-mediating those complaints, and

WHEREAS, the information technology department will make exceptions to the peer-2-peer blocking policy on an as-needed basis when there is a legitimate educational need for the use of peer-2-peer applications,

THEREFORE, let it be resolved that the General Assembly of the Graduate Professional Council support this proposed policy change, so that those students who choose to violate the personal property rights of others are required to support the costs associated with that activity.

Respectfully Submitted,

Brad Wilders
GPC Representative
School of Law