



American Council on Education

October 15, 2007

Dear Colleagues:

We write as the higher education members of the Joint Committee of the Higher Education and Entertainment Communities concerning the serious, continuing problem of illegal campus peer to peer file sharing.

Digital file sharing has made it easier than ever before for individuals to make and share a large number of copies of creative works (especially music and movies) without consideration of the rights of the copyright owners. Unfortunately, many college and university networks are being misused for the distribution of such unauthorized materials. The recording and motion picture industries believe that this issue—unauthorized file sharing—is one of the most serious challenges they face. We recognize that illegal file sharing is not a problem unique to higher education but is widespread throughout society. Nonetheless, we do believe we have a responsibility to work hard to address illegal campus peer-to-peer file sharing as a matter of education and ethics.

The Joint Committee was established five years ago as a forum for discussing the best ways to tackle this problem. We have undertaken a number of projects with the entertainment community to address illegal file sharing. For example, we recently cosponsored a workshop on possible technological solutions to the problem, and the report of this meeting has just been published. Staff from the Washington higher education associations meet regularly with the entertainment industry to discuss steps that might be taken to address the issue. And just a few weeks ago, the University of California and the Motion Picture Association of America held a successful workshop in Los Angeles to discuss the electronic distribution of movies and video content.

The entertainment industry has taken a range of steps to defend copyrighted material. We have no doubt that these aggressive enforcement efforts will continue. At the same time, we believe that college and university officials must take positive—and appropriate—steps to address illegal practices on their own campuses.

We strongly urge you to discuss this issue with the appropriate campus officials, including provosts, general counsels, chief information officers, business officers, librarians and residence hall and student affairs offices. Such discussions may well result in a reassessment of your institutional computer usage policies and computer network management practices. In

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addition, given our educational mission to help students make ethical and lawful choices, we encourage you to redouble your efforts to educate the campus community about the appropriate use of copyrighted materials and the possible consequences of inappropriate use.

Peer-to-peer file sharing is an exceptionally complex topic that will be of interest to many groups on campus, and discussions about it may have implications for such basic institutional and academic values as personal privacy, free speech and academic freedom. There is no simple answer to this problem. But we believe it vitally important that each institution continue to monitor, reassess and modify its policies and procedures as necessary to deal with this difficult, dynamic and evolving issue.

We are in the process of putting all the materials produced by the Joint Committee as well as other useful information available on the American Council on Education (ACE) web site and invite you to review them and make use of any that will be helpful on your campus. You can find this material at www.acenet.edu/resources/joint_committee.

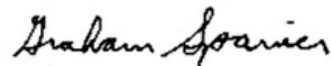
If you have any specific questions or suggestions, we encourage you to contact Robert Samors at the National Association of State Universities and Land-Grant Colleges (rsamors@nasulgc.org, (202) 478-6040); John Vaughn at the Association of American Universities (john_vaughn@aau.edu, (202) 408-7500); or Jon Fansmith at ACE (jon_fansmith@ace.nche.edu, (202) 939-9359).

Thank you for your consideration of this important and challenging issue.

Sincerely,



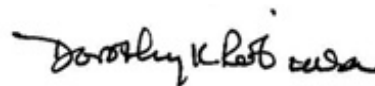
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