

Compliance Plan for the Higher Education Opportunity Act Peer-to-Peer File Sharing Requirements

Office: Information Technology

Procedure Contact: Chief Information Officer

Related Policy or Policies: [FAD.038 Computing Resources Acceptable Use Policy](#), [Higher Education Opportunity Act \(2008\)](#), [Digital Millennium Copyright Act Compliance Procedure](#)

Revision History

Revision Number:	Change:	Date:
2.0	Content and format updates	3/8/2016

A. Purpose

This document outlines Southern Oregon University’s plan to comply with Higher Education Opportunity Act requirements regarding illegal uploading and downloading of copyrighted materials.

B. Definitions

Copyright Infringement: the 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.

Higher Education Opportunity Act (HEOA): The Higher Education Opportunity Act (Public Law 110-315) was enacted on August 14, 2008, and reauthorizes the Higher Education Act of 1965, as amended (the HEA). The HEOA makes a number of changes to programs authorized under the HEA, authorizes new programs, and makes changes to other laws. It includes provisions that are designed to reduce the illegal uploading and downloading of copyrighted works through peer-to-peer (P2P) file sharing.

C. Procedures

Several sections of the HEOA deal with unauthorized file sharing on campus networks, imposing several general requirements on all U.S. colleges and universities. These requirements are:

- Institutions make an annual disclosure that informs students that the illegal distribution of copyrighted materials may subject them to criminal and civil penalties and describes the steps that institutions will take to detect and punish illegal distribution of copyrighted materials.
- Institutions have a plan to “effectively combat” the unauthorized distribution of copyrighted material.
- Institutions, “to the extent practicable,” offer alternatives to illegal file sharing.
- Institutions identify procedures for periodically reviewing the effectiveness of the plans to combat the unauthorized distribution of copyrighted materials.

Southern Oregon University's plan to meet these requirements is as follows:

Annual Disclosure

Consistent with our educational principles, we view education as the most important element in combating illegal sharing of copyrighted materials at SOU. We use a wide variety of methods to inform our community about the law and the university's response to copyright infringement claims:

- In order to use university computing resources, all members of the Southern Oregon University community must agree to a Computing Resources Acceptable Use Policy that includes statements about copyright compliance.
- At the beginning of each academic year, we send an email to all students regarding illegal distribution of copyrighted materials.
- Information Technology staff, including student employees, are regularly trained on the university's position with respect to copyright issues. Student employees provide an important channel for communicating with the student community.
- Southern Oregon University's procedure concerning the Digital Millennium Copyright Act and our response to infringement claims is published on the university's web site.

Technology used to "Effectively Combat" the Unauthorized Distribution of Copyrighted Material

- Traffic shaping software and hardware configured to identify peer to peer protocols (P2P) and assign them a low priority and a limited share of available network capacity.
- Limits on inbound and outbound network connections to student and university-owned workstations as to restrict the ability to share files to the Internet at large (and also serving as security measure against malware).
- Network Access Control (NAC) is used to register computers connected to the network in university residence halls and the wireless network. The registering party is held accountable to the Computing Resources Acceptable Use Policy for all actions originating from that computer.
- Network bandwidth monitoring for excessive use and taking action according to other policies and procedures.

Offering Alternatives to Illegal File Sharing

The Educause website provides links to sites that provide numerous options for obtaining music, videos, and other digital content in a legal manner. Members of the SOU community are encouraged to take advantage of these legitimate sources of digital content.

Reviewing Effectiveness

SOU will periodically review its annual disclosure process, technical countermeasures, and alternative offerings and make changes, as appropriate, to improve their efficacy.

This procedure may be revised at any time without notice. All revisions supersede prior procedures and are effective immediately upon approval.