

Prairie State College Procedure: Higher Education Opportunity Act (HEOA) Compliance Plan for Combating Unauthorized Distribution of Copyrighted Materials

Introduction

The Higher Education Opportunity Act (HEOA) was signed into law on August 14, 2008. Final regulations were issued on October 29, 2009.

Enforcement of the HEOA provisions formally begins July 1, 2010, and all colleges and universities are required to make a good-faith effort at compliance.

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

1. An annual disclosure to students describing copyright law and campus policies related to violating copyright law.
2. A plan to effectively combat the unauthorized distribution of copyrighted materials by users of its network, including "the use of one or more technology-based deterrents".
3. A plan to "offer alternatives to illegal downloading".

This document page provides an overview of the policies, procedures, and other actions Prairie State College has implemented as a 'good faith' effort to comply with this Federal Law.

Informing the Community

Links to relevant Prairie State College Web pages:

- Higher Education Opportunity Act (HEOA) Compliance website
- ITR Security Website
- Prairie State Acceptable Use Agreement for Internet and Other Electronic Resources
C2I Policy
- Prairie State College Electronic Communications Guidelines
- ITR Incident Response Plan
- ITR Network Shared Drive Policy
- Student Handbook
- Copyright Information Policy for Prairie State College Faculty, Staff, and Students
- Legal Alternatives for Downloading Copyrighted Material

How does Prairie State Combat Copyright Infringement?

1. Technology

Prairie State College's Information Technology Resource (ITR) department employs the following technology methods for deterring illegal file sharing and copyright infringement activities. We utilize a traffic shaping device to ensure every network segment is equally sharing the use of our full bandwidth. When a device attempts to use more than its share, the device is penalized by throttling down their usage. The ITR department also blocks all ports not used for conducting business. In addition, every incident and Digital Millennium Copyright Act (DMCA) notices of a violation are investigated and appropriate action is taken by the college.

2. Administrative

Prairie State College views the safeguards that are in place as a layered approach to communication regarding copyrighted content, including:

- Acceptable Use Agreement for Internet and Other Electronic Resources explicitly prohibits unauthorized use or distribution of copyrighted material.
- The Student Code of Conduct Handbook explicitly defines "Acquisition or use of software that does not adhere to applicable software licenses and copyright laws or is not consistent with college computer use policies" as a Prohibited Behavior.
- The ITR Information Security Web site contains pages related to copyright compliance information and links to legal alternatives to downloading copyrighted material.

3. Procedures for handling reported infringement:

If the educational and technical efforts are not effective, and the College is contacted with a "Notice of Claimed Infringement" or similar infringement notification by a copyright holder or Internet Service Provider, then the notice will be forwarded to either:

- The Dean of Student Development/Campus Life if the alleged offender is a student. The offense will be handled via the Student Discipline process per Board Policy F-16. For more information about this process, see the Student Code of Conduct Handbook.
- Human Resources if the alleged offender is an employee. The offense will be handled via Prairie State Board Policies on disciplinary actions for employees (Policies G-19, G-20 or G-21).
- Campus Police if the notification is 'criminal' rather than 'civil' in nature.

4. Periodic review of plan:

The current approach and plan are reviewed annually during the summer term. Criteria are primarily measured by increase/decrease in the number of infringement reported.

Plan last reviewed/updated February 19, 2016

Offering Legal Alternatives

Prairie State provides a link to the EDUCAUSE maintained Web page listing of legal download resources at URL: <http://www.educause.edu/legalcontent>