

HIGHER EDUCATION OPPORTUNITY ACT
CONSUMER INFORMATION COMPLIANCE
July 1, 2011

**Policy Regarding Unauthorized Peer-to-Peer (P2P) File Sharing
and Other Copyright Infringements**

Effective: 06/01/2011

The Higher Education Opportunity Act (HEOA) was signed into law on August 14, 2008 and regulations for implementing the law were issued by the Department of Education on October 29, 2009. Several sections of the HEOA are designed to reduce the illegal distribution of copyrighted works, including the unauthorized uploading and downloading of copyrighted works through peer-to-peer (P2P) file sharing on campus networks. These provisions require all U.S. colleges and universities to:

- Provide an annual disclosure to current and prospective students describing copyright law and campus policies related to copyright infringement, including penalties and liabilities for unauthorized peer-to-peer file sharing;
- Create 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;
- Offer alternatives to illegal downloading, to the extent practicable; and

Identify procedures for periodically reviewing the effectiveness of the plan to combat the unauthorized distribution of copyrighted material.

Copyrights

Users shall not use Goodwin College's computers or network to copy, download, modify or distribute copyrighted materials. This includes but is not limited to the following:

1. Music
2. Movies
3. Literature
4. Photographs
5. Software

Abuse and Enforcement of policy

- a. Any abuse of this policy should be immediately reported to the Vice President for Physical Facilities and Information Technology
- b. Abuse of this policy may result in disciplinary action by Goodwin College, local law enforcement and/or federal law enforcement
- c. If there is a violation of this policy, the Director of Information Technology is authorized to take actions to implement and enforce the network usage policy and provide system integrity and security
- d. The Director of Information Technology is authorized to suspend any user's access rights if the administrator has reason to believe that said user has violated the network usage policy

Goodwin College ("the College") complies with the HEOA by the following:

1. Annual Disclosure. At the beginning of each Fall term, the following statement (“P2P Policy”) will be incorporated into the Student Handbook for all students and sent to all students in a stand-alone email:

Institutional policies and sanctions related to the unauthorized distribution of copyrighted material: The College takes copyright infringement seriously. All students must abide by federal and state copyright laws when using the College computing or network resources. The unauthorized publishing or use of copyrighted material on the College computer network is strictly prohibited and users are personally liable for the consequences of such unauthorized use. This specifically applies to Peer-to-Peer or P2P file-sharing of copyrighted music and movies. Students should be aware that by engaging in unauthorized sharing of copyrighted material, they not only violate College policy, but they may also be held criminally and civilly liable by federal and/or state authorities.

Summary of Civil and Criminal Penalties for Violation of Federal Copyright Laws

Copyright infringement is 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.

Penalties for copyright infringement include civil and criminal penalties. In general, anyone found liable for civil copyright infringement may be ordered to pay either actual damages or "statutory" damages affixed at not less than \$750 and not more than \$30,000 per work infringed. For "willful" infringement, a court may award up to \$150,000 per work infringed. A court can, in its discretion, also assess costs and attorneys' fees. For details, see Title 17, United States Code, Sections 504, 505.

Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five years and fines of up to \$250,000 per offense.

For more information, please see the Web site of the U.S. Copyright Office at www.copyright.gov, especially their FAQ's at www.copyright.gov/help/faq.

The College will subject students who violate this policy to discipline as appropriate. Repeated infringement is subject to disciplinary action, up to and including expulsion from the College.

2. Plan to effectively combat unauthorized distribution of copyrighted materials. The College takes the following steps to combat unauthorized distribution of copyrighted materials:

1. We employ a network device to “shape” and prioritize all traffic. Using this tool, we specifically restrict all P2P traffic to a minimum allotment of the College resources and give it the lowest priority.
2. We limit our wireless network to “inbound” traffic only, with the intent of effectively eliminating the ability of those individual computers to act as servers for any kind of content including copyrighted material.

3. We limit access to our network to registered hosts only. Hosts can only be registered on the wireless network by individuals with an active College account or by department IT personnel.
4. We monitor our network for the largest bandwidth users and other activity that tends to suggest unauthorized file sharing. When we discover a registered owner consuming excessive bandwidth or otherwise engaging in activities that may point to illegal file sharing, we contact the registered owner to ensure that he or she is aware of what their machine is doing on the network and that it complies with College policies. During that process, we also make sure the registered owner is educated about the College's policies regarding illegal file sharing.
5. We respond promptly to all Digital Millennium Copyright Act (DMCA) notices of unauthorized copyright use according to policies.
6. Computing support staff is regularly trained on the College's copyright policy.
7. This P2P Policy will be included in the Fall Registration handbook for all students, emailed separately to all students on an annual basis and posted on a website that is readily accessible to all current and prospective students.

3. Plan to offer legal alternatives for illegal file sharing. A list of legal alternative sources for music, movies or other digital content is available at <http://www.educause.edu/legalcontent>, and we encourage students to take advantage of these legal methods.

4. Review of effectiveness of copyright infringement deterrence plan. As part of our annual information security assessment, we will review the efficacy and operation of our copyright infringement deterrence plan.