

HARPER COLLEGE HEOA COPYRIGHT INFRINGEMENT COMPLIANCE PLAN

A. INTRODUCTION

The federal Higher Education Opportunity Act of 2008 (“HEOA”), reauthorizing the Higher Education Act, includes provisions which are intended to reduce the illegal exchange of copyrighted works including through peer-to-peer or “P2P” file sharing. Colleges and universities which are subject to those provisions must:

- Certify to the U.S. Department of Education that they have developed plans to effectively combat the unauthorized distribution of copyrighted material;
- Annually inform students that the illegal distribution of copyrighted materials may subject them to criminal and civil penalties, and of the steps the College will take to detect and punish such illegal distribution;
- To the extent practicable, offer alternatives to illegal file sharing; and
- Identify procedures for periodically reviewing the effectiveness of the plans to combat the unauthorized distribution of copyrighted materials.

This document sets forth the plan which Harper College has implemented to comply with the above HEOA requirements.

B. MEASURES TO DETER COPYRIGHT INFRINGEMENT

The College uses the following measures to deter and effectively combat the unauthorized distribution of copyrighted material:

1. Workstations in the College’s computer labs and administrative networks use standard user security access and rights. The workstations are locked down to prevent users from installing any products, including P2P clients.
2. A program named Altris is used to identify all software installed on College machines, so that any unauthorized installations can be promptly identified and remediated.
3. An appliance is implemented for bandwidth shaping of the College’s public network, which includes open access to the College’s wireless infrastructure. This bandwidth shaping technology blocks P2P communication by limiting available network resources. Moreover, College IT managers monitor traffic patterns to ensure that appropriate shaping policies are in force.

C. ANNUAL NOTICE TO STUDENTS

The following Notice is issued annually to College students through electronic mail. Reference to this Notice is also made in the College's Code of Conduct, Acceptable Use Policy and Acceptable Use Procedures. Students are informed of legal alternatives to illegal file sharing through this Notice.

Notice

The unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may subject you to civil and criminal liabilities.

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 fixed 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 may, 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 the FAQs at www.copyright.gov/help/faq.

Relevant College Policies

Board Policy 07.09.03, Acceptable Use, governs the acceptable use of information technology. Pursuant to this policy, administrative rules and procedures governing acceptable use are published on the William Rainey Harper portal and website, and in the College Catalog/Student Handbook.

Pursuant to Board Policy 07.09.05, Enforcement of Acceptable Use Rules, failure to adhere to technology acceptable use rules and procedures may result in sanctions including but not limited to loss of privileges, equipment and services; legal action; and suspension or termination of enrollment or employment.

Legal Alternatives

For a directory of legal sources of online content, see: www.educause.edu/legalcontent.

D. PROCEDURES FOR HANDLING COPYRIGHT INFRINGEMENT VIOLATIONS

A student violates the College's Student Code of Conduct if he or she commits, among other offenses, "abuse of College computer, network, or other technology system resources, including unauthorized distribution of copyrighted material and other violations of the Acceptable Use Guidelines as published in the Student Handbook and updated from time to time on the College website," or "any conduct that constitutes a violation of Federal or State law."

As set forth in more detail in the Student Code of Conduct, published in the College Catalog/Student Handbook at <http://goforward.harpercollege.edu/page.cfm?p=5106>, sanctions for violations of the Student Code of Conduct may include suspension or expulsion from the College and other penalties specified in the Student Code of Conduct.

E. PERIODIC REVIEW OF EFFECTIVENESS OF HEOA COPYRIGHT COMPLIANCE PLAN

The College periodically reviews the effectiveness of this HEOA Copyright Compliance Plan through the use of an annual survey conducted by the Division of Information Technology. In addition, the College independently reviews emerging technologies and discusses the availability of alternative strategies with other institutions of higher education.