

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

Informing the Community

Links to relevant College of DuPage Web pages:

- [Higher Education Opportunity Act \(HEOA\) Compliance website](#) (this page - will be referenced from IT Security Website)
- [IT Security Website](#)
- [Summary of Electronic Communications Guidelines](#)
- [Summary of Information Security Plan](#)
- [Student Conduct](#) - Procedure No. 20-35
- [Student Discipline](#) - Procedure No. 20-40
- [Student Rights and Responsibilities](#) - Procedure No. 20-30.
- [Copyright Information for College of DuPage Faculty, Staff, and Students](#)
- [Legal Alternatives for Downloading Copyrighted Material](#)

Effectively Combating Copyright Infringement

Technology deterrent(s) used:

The College of DuPage is currently utilizing several methods of deterring illegal file sharing. The first is we are using bandwidth shaping at the edge router of the network that we control. Also, we use a product called Tipping Point to block identifiable protocols that are used to perform illegal file sharing. This product is also on the border of the network so any ingress or egress traffic will pass through this point and be blocked accordingly if they match the Peer-to-Peer protocols. The Tipping Point product is continually monitored and application signatures and other content is regularly and routinely updated to ensure currency. We also investigate and respond to incidents and Digital Millennium Copyright Act (DMCA) notices of a violation.

Administrative deterrent(s) used:

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

- Acceptable Use of Technology Policy explicitly prohibits unauthorized use or distribution of copyrighted material.
- The Student Judicial Affairs 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 Information Security Web site contains pages related to copyright compliance information and links to legal alternatives to downloading copyrighted material.

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, then the notice will be forwarded to either:

- The Student Leadership Development/Student Judicial Affairs manager if the alleged offender is a student. The offense will be handled via the student judicial process in accordance with the Student Judicial Affairs Code of Conduct Handbook.
- Human Resources if the alleged offender is an employee. The offense will be handled via the administrative process in accordance with the Human Resources Policy Manual.
- Campus Police if the notification is 'criminal' rather than 'civil' in nature.

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 November 1, 2010

Offering Legal Alternatives

The College of DuPage provides a link to the EDUCAUSE maintained Web page listing of [Legal Downloading](http://www.educause.edu/legalcontent) resources at URL: <http://www.educause.edu/legalcontent>