

HEOA Compliance Plan

Monroe County Community College (MCCC) has implemented the following plan to address unauthorized distribution of copyrighted material, including peer-to-peer file sharing, as defined in the Higher Education Opportunity Act (HEOA).

The **Higher Education Opportunity Act (HEOA)** was signed into law and several sections of the HEOA deal with unauthorized file sharing on campus networks, imposing requirements on all U.S. colleges and universities.

The institution must develop and implement written plans to effectively combat the unauthorized distribution of copyrighted material by users of the institution's network, without unduly interfering with educational and research use of the network, that include:

- An **annual disclosure** to students describing copyright law and campus policies related to **violating copyright law**.
- 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".
- A plan to **"offer alternatives** to illegal downloading".
- Procedures for periodically **reviewing the effectiveness** of the plans to combat the unauthorized distribution of copyrighted materials by users of the institution's network using relevant assessment criteria.

Annual Disclosure

MCCC will regularly educate users about copyright laws and the illegal use and distribution of copyrighted works. The college will use a number of methods to distribute and educate the community about this topic. The methods include but are not limited to the following:

- Regularly, e-mail messages will be sent from the Vice President of Student and Information Services to all college employees and students informing them that unauthorized distribution of copyrighted material, including peer-to-peer file sharing, may subject them to civil and criminal liabilities.
- All computing resource users must abide by the colleges **"Acceptable use policy for the information technology systems at Monroe County Community College"** policy 2.38. This policy states that all users must obey all relevant laws, including without limitation, the Copyright Act.
- In accordance with federal regulations set forth by The Higher Education Act of 1965, certain **student consumer information** must be made available to all students at Monroe County Community College which includes a link to this page.
- MCCC **copyright information** is maintained and made available on its website and other publications.

Effectively Combat the unauthorized distribution of copyrighted materials

MCCC will use the following technology based deterrents and techniques to combat unauthorized distribution of copyrighted materials including:

- The college will quickly respond to legitimate notices of copyright infringements. Infringements will be handled as specified in the colleges "**Acceptable use policy for the information technology systems at Monroe County Community College**" policy 2.38
- By default, all inbound ports to client computers on campus are blocked at the internet firewall. Preventing computers from acting as servers in peer to peer networks.
- Users are rated limited for inbound and out bound traffic on the "guest" portion of the network.

Offering Legal Alternatives

MCCC provides links on this page to the list maintained by EDUCAUSE and others.

- The EDUCAUSE link to a list of legal alternatives:
<http://www.educause.edu/legalcontent>

Reviewing Effectiveness

MCCC will annually review the effectiveness of this plan. The college Vice President of Student and Information Services and the Manger of Information Systems will review the plan to determine if any adjustments to the plan's disclosure, technology, and alternatives need to be made in accordance with the requirements.

Violating Copyright Law

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.