

# Central Piedmont Community College Compliance with the Higher Education Opportunity Act (HEOA) Peer-to-Peer File Sharing Requirements

H.R 4137, the Higher Education Opportunity Act (HEOA), is a reauthorization of the existing Higher Education Act. It includes provisions that are designed to reduce the illegal uploading and downloading of copyrighted works through peer-to-peer (P2P) file sharing. These provisions include requirements that:

- Institutions make an annual disclosure that informs students that the illegal distribution of copyrighted materials may subject them to criminal and civil penalties and describes the steps that institutions will take to detect and punish illegal distribution of copyrighted materials.
- Institutions certify to the Secretary of Education that they have developed plans to “effectively combat” the unauthorized distribution of copyrighted material.
- Institutions describe their policies with respect to unauthorized peer-to-peer file sharing, including disciplinary actions that are taken against students who engage in illegal downloading or unauthorized distribution of copyrighted materials using the institution's information technology system.
- Institutions implement technology-based deterrents to reduce the potential for illegal file sharing
- Institutions, “to the extent practicable,” offer alternatives to illegal file sharing.
- Institutions identify procedures for periodically reviewing the effectiveness of the plans to combat the unauthorized distribution of copyrighted materials.

## Annual Disclosure

Central Piedmont Community College (CPCC) views education as the most important element in combating illegal sharing of copyrighted materials. We use a wide variety of methods to inform our community about the law and our response to copyright infringement claims:

- In order to use college computing resources, all students are required to accept an Acceptable Computer Use Policy that includes a section on copyright compliance.
- Posters are being mounted in Student Technology Centers and elsewhere to discourage illegal file sharing.
- Technology support staff members are regularly trained on the College position with respect to copyright issues.
- CPCC's policies and procedures refer to the Digital Millennium Copyright Act and our response to infringement claims are published on the College web site.
- Periodically, the College community will receive updates through the weekly newsletter (Communicator) regarding copyright infringement and related issues.

## Summary of Civil and Criminal Penalties for Violating 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 website of the U.S. Copyright Office at [www.copyright.gov](http://www.copyright.gov), particularly its FAQ section at [www.copyright.gov/help/faq](http://www.copyright.gov/help/faq).

## **Plans to “Effectively Combat” the Unauthorized Distribution of Copyrighted Material**

The College employs bandwidth-shaping technology to prioritize network traffic, limiting the amount of network bandwidth available to P2P applications but without filtering such applications since some of this traffic is for legitimate applications.

An initial notice of unauthorized file sharing will trigger a contact from Information Technology Services (ITS) asking the alleged offender to remove the offending material. A second (and any subsequent notices) from an offender will trigger an immediate take down and the matter will be referred to the Associate Vice President for Student Services for action and the violation is handled within the guidelines of the College's Student Code of Conduct.

Respect for copyright and intellectual property are important aspects of academic integrity. College community members can learn how to use other people's materials appropriately in the [College Copyright Policy](#) Web site.

## **Alternative Resources For Sharing Copyrighted Material**

Educause maintains a comprehensive list of [Legal Downloading Resources](#) . A link to this resource is available on various pages in [Student Services](#) and the [Information Technology Services](#). Members of the CPCC community are encouraged to take advantage of these legitimate sources of digital content.

## **Plan Effectiveness Review**

This plan will be reviewed annually by the CIO and the Associate Vice President for Student Services and revised as necessary to remain in compliance. Based on the monitoring data that Information Technology Services collects relative to network traffic as well as the volume of DMCA notices received, the review will assess the overall effectiveness of the College's policy and procedures to promote the legal use of copyrighted materials. Any changes to the policy and/or procedures as a result of the review will take effect at the start of the following academic year.