

TECHNOLOGY RELATED HEOA COMPLIANCE

The Higher Education Opportunity Act of 2008 (HEOA) includes three requirements for addressing illegal peer-to-peer file sharing of copyrighted material by those using campus networks. Southwestern Oregon Community College (SWOCC) will be required to 1) inform students annually they may be subject to criminal and civil penalties if they engage in illegal distribution of copyrighted materials and describe the steps being taken to detect and punish such activity, 2) certify to the Secretary of Education that the institution has plans to effectively combat unauthorized distribution of copyrighted material, and 3) offer alternatives to illegal file sharing.

Southwestern Oregon Community College complies with these requirements as follows:

- The Student Handbook clearly addresses file sharing and copyright use.
- Publishes warnings online, in email, and in presentations that students who violate copyright laws may be subject to disciplinary action by the College as well as prosecution under state and federal guidelines. These warnings should include the following language:

SWOCC technology resources may NOT be used for any illegal activity. This includes unlawful copyright infringement. The College accepts and responds to Digital Millennium Copyright Act (DMCA) notices. We investigate reported copyright infringement and take appropriate action, possibly including suspension of a user's network access, termination, or suspension.

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 civil penalties per work infringed and up to \$250,000 criminal penalties per offense and up to five years of imprisonment. A court can, in its discretion, assess costs and attorneys' fees. For details, see Title 17, United States Code, Sections 504, 505.

- SWOCC periodically reviews for effectiveness and appropriateness its plan to combat copyright infringement. Effectiveness of the plan is determined through a variety of measures, including but not limited to: monitoring trends in the number of DMCA complaints being received by SWOCC and access patterns of awareness materials. Integrated Technology Services monitors network activity and utilizes network traffic shaping and appliances specifically designed for stopping illegal file sharing and copyright use to certify to the Secretary of Education that we effectively combat illegal file sharing at Southwestern Oregon Community College.
- SWOCC encourages the responsible sharing of copyrighted materials, through our Library, which makes numerous books and journals available to students both in print and electronically. We promote the use of legal online content providers in the list maintained by Educause at <http://www.educause.edu/legalcontent>. Additionally, Housing students are provided access to a college licensed movie streaming service.

Campus Resources and Communications:

[APP 5059 Acceptable Use of Information Technology Resources](#)

Adopted as new Administrative Policy/Procedure: March 4, 2020