



Northwood University Information Technology Higher Education Opportunities Act of 2008 Compliance Procedures

1.0 Overview

The Higher Education Opportunity Act (HEOA) was signed into law on August 14, 2008. Compliance with the law is required as of July 1, 2010. There are several provisions in the HEOA relating to Information Technology, specifically, unauthorized file sharing on campus networks.

2.0 Purpose

The purpose of this document is to define procedures and plans needed to comply with the Information Technology portions of the HEOA.

3.0 Scope

This document applies to all users of the Northwood University network.

4.0 HEOA Information Technology 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:

- 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".

5.0 Annual Disclosure

Northwood University will notify students annually regarding copyright laws and campus policies as part of the compliance office's annual reporting, which occur during the fall each year.

The following notification will be provided:

Students

Northwood University, as required by the Higher Education Opportunities Act of 2008, would like to remind you of various policies and procedures regarding the sharing of copyrighted material. 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.

In addition, Northwood University policy expressly prohibits sharing of copyrighted material without proper consent of the author. Failure to comply with University policies may result in loss

of network access and/or disciplinary action through the Dean of Students Office. Northwood University policies covering this topic can be found here:

Acceptable Use Policy

www.northwood.edu/aup

NUIT HEOA Compliance Procedures

www.northwood.edu/sharedmedia/PDF/InformationTechnology/NUIT_HEOA_Plan.pdf

The good news is that there are many alternatives to illegal file sharing. Educause, the leading information technology association in higher education, maintains a list of legal sources of online content. The list can be found here: <http://www.educause.edu/legalcontent>.

Thank you

Information Technology

6.0 Plan Effectively Combating Unauthorized Distribution of Copyrighted Materials

Northwood University has implemented several technology based deterrents to help combat the unauthorized distribution of copyrighted materials. First, the University has implemented and maintains packet shaping devices which block or severely limit known peer-to-peer file sharing applications. Second, the University has implement intrusion detection and prevention systems which are capable of detecting and/or blocking certain peer-to-peer file sharing applications. Third, the University has a registered DMCA contact person and will respond vigorously to any complaint.

The effectiveness of University technology based deterrents will be evaluated annually based upon data gathered from various network monitoring systems as well as the number of DMCA complaints received.

7.0 Legal Alternatives

Northwood University will make students aware of legitimate download services through the annual notification process described in section 5.0. Students will be emailed a link to the Educause list of legitimate download services. <http://www.educause.edu/legalcontent>

8.0 Revision History

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