

HEOA P2P Compliance

Introduction

H.R 4137, the Higher Education Opportunity Act ([HEOA](#)), is a reauthorization of the 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, “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

Consistent with our educational principles, we view education as the most important element in combating illegal sharing of copyrighted materials at Muhlenberg College. We use a variety of methods to inform our community about the law and Muhlenberg’s response to copyright infringement claims:

- Muhlenberg’s Electronic Communication Policy states: ‘Users of the System are obligated to respect the rights of others, the intellectual rights and the intellectual property rights of others when using these resources. Duplicating and/or distributing information, recordings, or images in violation of applicable copyright laws is not permitted.’
- Email messages are routinely sent to all students titled ‘Copyright infringement and You: avoid Fines and Judicial Hearings!’
- Computing support staff, including student Help Desk workers, will be regularly trained on the College position with respect to copyright issues. Student workers provide an important channel for communicating with the student community.
- Muhlenberg’s policies and procedures concerning the Digital Millennium Copyright Act and our response to infringement claims are published on Muhlenberg’s Office of Information Technology web site.
- Detailed information explaining how to disable sharing functions of Peer-to-Peer software is posted on Muhlenberg’s Office of Information Technology web site.
- Muhlenberg’s Student Resource Guide outlines the College’s process regarding the Digital Millennium Copyright Act, and includes links to the DMCA.

- Muhlenberg's IT Director meets with all first-year students as part of the Fitness and Wellness classes, explaining in detail the issues and penalties associated with illegal file sharing.

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

Muhlenberg currently employs a bandwidth-shaping technology to prioritize network traffic. We limit the amount of bandwidth available to P2P applications but we do not filter such applications.

We have purchased Procera's PacketLogic Real-Time Enforcement appliance with plans to implement this during the 2010-2011 academic year in conjunction with our network authorization software to improve bandwidth management and combat inappropriate use, including illegal file-sharing.

Respect for copyright and intellectual property are important aspects of academic integrity. Guidance on how to use other people's materials appropriately is available on the [Trexler Library](#) web site.

Alternatives to Illegal File Sharing

Educause maintains an extensive list of [Legal Downloading Resources](#) . The Motion Picture Association of America (<http://www.mpa.org/>) maintains a comprehensive offering of legal sources. Cornell University also maintains a list of legal sources for online music and videos: <http://www.cit.cornell.edu/policies/copyright/music.cfm>

Reviewing Effectiveness

The Office of Information Technology will, beginning in the 2011-2012 academic year, establish and maintain statistics to assess the effectiveness of our anti-piracy messages and our efforts to deter illegal file-sharing.