

## **COMPLIANCE WITH THE HIGHER EDUCATION OPPORTUNITY ACT (HEOA) PEER-TO-PEER FILE SHARING REQUIREMENTS**

The Higher Education Opportunity Act requires all U.S. colleges and universities to comply with its new regulations, which deal with issues surrounding the distribution of copyrighted materials, particularly through peer-to-peer file sharing. These new regulations require Claremont to take four actions: an annual disclosure regarding unauthorized distribution, a plan to combat unauthorized distribution, a disclosure of alternatives to illegal downloading, and a review of the effectiveness of the plan to combat unauthorized distribution. What follows below is the action Claremont has taken to implement each of these requirements.

### **Annual Disclosure**

Claremont is required to issue an annual disclosure to all students, informing students that the unauthorized distribution of copyrighted materials may subject students to civil and criminal penalties. Claremont is also required to disclose the steps it will take to detect and punish copyright infringement.

Annually, during the Fall Semester, the Chief Information Officer will distribute a communication to all students regarding Claremont's policies on copyright and peer-to-peer file sharing, the steps the School will take to enforce its policies, and the legal penalties for copyright infringement. This communication will also remind all students of our Acceptable Use Policy and the procedures Claremont will follow in responding to DMCA notices.

### **Plan to "Effectively Combat" the Unauthorized Distribution of Copyrighted Material by Users of the Claremont Network**

Claremont must certify to the Secretary of Education that it has implemented a plan to effectively combat the distribution of copyrighted materials through its network. Claremont's plan must include the following components:

#### *1. Community Education and Information*

Consistent with the value we place on our educational principles, we view education as the most significant measure we can take to combat illegal file sharing at Claremont. We use several mechanisms to inform and educate our community regarding copyright and related issues.

**The Copyright at Claremont Web Page** is maintained by the Office of the Chief Information Officer, and provides information concerning copyright law, and consumer information and disclosures that are required by the Higher Education Opportunity Act.

**The Claremont Digital Millennium Copyright Act (DMCA) and Notification Procedures** describe the procedures and disciplinary action that the School will use for handling cases of alleged copyright infringement, illegal downloads, and illegal peer-to-peer file sharing. Claremont will respond firmly and appropriately to all instances of alleged copyright infringement on its network, as well as instances in which Claremont students have allegedly engaged in illegal activity on the networks of the Claremont University Consortium and the Claremont Colleges.

**Claremont's Acceptable Use Policy** describes acceptable and unacceptable use of Claremont's computing resources and network.

**New Student Orientation on Copyright and Peer-to-Peer File Sharing** is a required tutorial for all new students. Included in this tutorial are the techniques students may use for Disabling Peer-to-Peer File Sharing (developed by the University of Chicago).

**New Student Orientation Letter** on safe and legal computing will be included in the information packets for new students at the start of each academic term.

## *II. Technology-Based Deterrents*

Claremont's network infrastructure includes the means to track and to block network traffic to specific computers, and from sites known to distribute unauthorized copyrighted materials.

### **Legal Alternatives to Unauthorized Downloading and Illegal File Sharing**

Claremont is required to disclose legal alternatives to unauthorized downloading and illegal file sharing.

Educause maintains a comprehensive list of Legal Sources of Online Downloading, and the Association of American Publishers provides a list of Sources for Legally-Available Digital Versions of Textbooks and Other Written Works. Claremont encourages its community to make use of these resources.

### **Reviewing the Effectiveness of this Plan to Combat Unauthorized distribution of Copyrighted Materials**

Claremont will review the effectiveness of its *Plan to Combat the Unauthorized Distribution of Copyrighted Material by Users of the Claremont Network* annually. This review will be managed by the Chief Information Officer, assisted by Information Technology Staff and the Institutional Research Council. Instances of alleged copyright infringement will be tabulated annually and longitudinally, and this data will be compared with that of peer institutions.