Olivet Nazarene University Compliance with the Higher Education Opportunity Act Peer-to-Peer File Sharing Requirements

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.

This document outlines Olivet's plan to comply with these requirements.

Annual Disclosure

Consistent with our educational principles and the ethical and community expectations outlined in other University documents, we believe education is extremely important in order to combat the illegal sharing of copyrighted materials at Olivet. We use a wide variety of methods to inform our community about the law and Olivet's response to copyright infringement claims:

- At the beginning of each semester students receive an email informing them that the illegal distribution of copyrighted materials may subject them to civil and criminal penalties. This email also has a link to video on the topic of peer-to-peer file sharing.
- In order to use university computing resources, all members of the Olivet Community sign off on having read and agreed to the Acceptable Use Policy which includes specific language pertaining to peer-to-peer file sharing and other technology-related copyright matters.
- Olivet's policies and procedures concerning the Digital Millennium Copyright Act (DMCA) and our response to infringement claims are published on the University's website.
- A copyright "help" page is linked from the library's home page and includes up-to-date University policies as well as links to other helpful resources.
- Copyright workshops and training sessions are routinely offered for faculty as part of the University's plan for faculty development.

Plans to "Effectively Combat" the Unauthorized Distribution of Copyrighted Material

Olivet Nazarene University employs Internet traffic management technology that prioritizes legitimate Internet traffic. This technology also suppresses a majority of the peer-to-peer applications that are commonly used for illegitimate media exchange. However, the University rarely interferes with traffic from legitimate media services such as iTunes.

The University's network (ONUnet) is considered a private network for the use of furthering the University's goals of academic excellence and spiritual vitality. Individuals using ONUnet are required to act in accordance with the Acceptable Use Policy which complies with various laws and regulations including HEOA and DMCA. This policy is publically available at http://it.olivet.edu/itf/pdfs/policies/AcceptableUsePolicy.pdf. Notification of this policy is distributed electronically the first time an individual connects their personal computer to the ONUnet wireless network or in the residential buildings. Furthermore, individuals must accept these terms of use prior to gaining access to ONUnet.

Responding to Reported Infringement

The University responds to all claims of copyright infringement according to the Digital Millennium Copyright Act. Information regarding the DMCA is published on our web site and can be accessed with the following link:

http://www.olivet.edu/About_Olivet/Federal_Disclosures/Digital_Millennium_Copyright_Act_Notice.aspx

Alternatives to Illegal File Sharing

While members of the Olivet community are prohibited from illegally downloading copyrighted works they are strongly encouraged to take advantage of the many legitimate sources which are available to access and download digital content. The links below provide a partial list of these sources.

EDUCAUSE - Legal Sources of Online Content

RIAA - Legal Music Sources

Reviewing Effectiveness

This document, as well as all University copyright policies, are reviewed regularly and will be updated as needed in order to conform to the most recent mandates and regulations.