



Process Number: BP.03.001
Approved By: A. Michael Berman
VP for Technology & Communication

Effective Date: 01-July-2011
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Business Practice for HEOA Peer-to-Peer Compliance

PURPOSE:

To assure that T&C's practices comply with the Peer-to-Peer (P2P) regulations in the United States Higher Education Opportunity Act of 2008.

BACKGROUND:

Public Law 110-315 (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.

The University is further required to comply with CSU Executive Order 999 and the laws and directives of the State of California which prohibit the use of State resources to illegally download copyrighted material, along with the copyright laws of the United States.

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

BUSINESS PRACTICE:

Accountability:

VP for Technology & Communication

Applicability:

All users of networked information resources at CSU Channel Islands



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Definitions:

Text:

In order to comply with HEOA, Channel Islands T&C will adopt the following processes.

Annual Disclosure

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

- Every fall we send an email notice, consistent with the notification requirements of HEOA, to all students regarding illegal distribution of copyrighted materials.
- At orientation, information is provided to entering students.
- Policies regarding illegal distribution of copyrighted materials are published in the Student Guidebook.
- At least once a year, a message regarding illegal distribution of copyrighted materials and Channel Islands' strategies for combating it will be sent to all employees by the VP for Technology & Communication.

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

The General Principles governing the use of IT resources at CSU Channel Islands are stated in [IT.03.001 – Interim Policy on Responsible Use](#). These include:

- The use of all Channel Islands IT resources shall be consistent with the education, research, and public service mission of the University, federal and state laws, applicable regulations, and CSU and Channel Islands policies.
- The University shall respect individuals' rights to use CSU resources free from intimidation and harassment, and respect freedom of expression
- The University shall respect the privacy of person-to-person communications to the fullest extent possible under applicable law and CSU policy.

All plans to “combat” the unauthorized distribution of copyright material shall be consistent with these principles.

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Channel Islands T&C operates one or more “[CopySense](#)” network appliances provided by [AudibleMagic](#). The CopySense appliance attempts to detect the peer-to-peer sharing of copyrighted materials on campus, and logs the network identity of the computer from which the alleged violation has occurred. T&C may use the CopySense appliance as follows:

- To monitor the log of copyright violation detections, in order to determine the extent and frequency of such violations and determine the effectiveness of the Channel Islands program to combat such violations.
- To provide a “graduated response” when multiple alleged violations occur from a single network address. The “graduated response” may include:
 - Temporarily preventing a network device from accessing the Internet, e.g. for 15 minutes;
 - In the event of three or more violations from a single device, blocking that device from the accessing the Internet and generating a help desk ticket so that the cause of the violations can be evaluated.
- During T&C’s investigation, information regarding individuals associated with alleged violations shall be held confidential and on a need-to-know basis within T&C.
- The first time an individual reports to the Help Desk that his/her network device is blocked, T&C’s response shall be based on user education – the issue will be discussed by an T&C staff member with the individual involved, who shall be reminded of the campus policies in this document. T&C will maintain a confidential record of users who have received the education discussion.
- Following this initial education discussion, if the same individual is identified for a second or subsequent time by T&C as the user of an offending device, this individual shall be referred to the appropriate campus authority as follows. Any subsequent action shall be based upon the existing policies and processes including collective bargaining agreements applicable to faculty and staff established by campus authority. Specifically:
 - Students: Dean of Students (with notification to Housing and Residential Education if appropriate)
 - Faculty employees: Associate Vice Provost for Faculty Affairs
 - Other employees: Human Resources Programs
- The appropriate campus authority shall notify T&C of what action, if any, to take regarding network access for the alleged offender.

No information regarding individual users shall be reported to AudibleMagic or any outside authority except under court order. System logs that link individuals to network resources will be maintained for approximately 30 days for investigation and troubleshooting, and then permanently destroyed. The full



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CopySense Privacy Statement can be found at
<http://www.audiblemagic.com/support/copysense/privacy.asp>.

Offering Alternatives to Illegal File Sharing

Members of the CSU Channel Islands community are encouraged to access music, videos, and other digital content in a legal manner using any one of a number of legitimate web-based services. A complete link is maintained by EDUCAUSE at <http://www.educause.edu/legalcontent>.

Additionally, following network disconnection as described in “Plans to ‘Effectively Combat’ the Unauthorized Distribution of Copyrighted Material” above, the webpage that is displayed to the user will include text that describes available alternatives to illegal file sharing. The user will be required to acknowledge receipt of this information.

Reviewing Effectiveness

On an annual basis, Channel Islands will review CopySense logs, DMCA notifications, and any other available data to assess the impact of our efforts to control the unauthorized distribution of copyrighted materials. Based upon this review, changes will be made if necessary to assure compliance with HEOA regulations.



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Assessment Requirements

Assessment requirements and history are listed in the grid below.

Description	Frequency	Role Assigned
Review CopySense logs, DMCA notification and any other data to assess impact.	Annual – July	VP for T&C
Notification to Students of HEOA Compliance	Annual –Sept	VP for T&C
Notification to Staff of HEOA Compliance	Annual – Nov	VP for T&C

Revision History

BP Nbr:	BP-03-001	Enacted Date:	07/01/2011		
Revision Nbr:	001	Revision Date:	11/20/2012	Revised By:	NFisch