

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 peertopeer (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.’
- Incoming students receive the letter “What You Need to Know about Technology @ Muhlenberg College” in their June Advising Welcome Packet. This letter includes content about file-sharing and the legal liability if copyrighted material is shared illegally.
- 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.
- Information explaining how to disable sharing functions of Peer-to-Peer software is posted on Muhlenberg’s Office of Information Technology web site.

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

Muhlenberg currently monitors bandwidth and application activity of peer-to-peer applications. However, as usage is very low, we do not explicitly block such applications nor do we filter bandwidth. We utilize our Palo Alto Next Generation Firewall appliances to pro-actively monitor bandwidth used by peer-to-peer applications. In the event of high bandwidth usage, applications can be blocked in a dynamic manner.

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.mpaa.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 measures effectiveness of the HEOA policy contained herein through analysis of statistics on peer-to-peer sharing year over year.