



**HEOA PEER TO PEER FILE SHARING COMPLIANCE POLICY**

Area: University	Number:
Subject: Technology	Issued: 1/21/2010
Applies To: University	Revised: n/a
Sources: Vice President for Information Technology	Page(s): 4

## I. Purpose

H.R 4137, the Higher Education Opportunity Act (HEOA), is a reauthorization of the Higher Education Act of 1965. It includes provisions that are designed to reduce the illegal uploading and downloading of copyrighted works through peer-to-peer (P2P) file sharing (HEOA §668.14). These provisions include requirements that the University:

- Develop and implement written plans to “effectively combat” the unauthorized distribution of copyrighted material by users of the institution’s network using one or more technology-based deterrents;
- Publish a statement that explicitly informs its students that the unauthorized distribution of copyrighted materials, including unauthorized peer-to-peer file sharing, may subject students to civil and criminal liabilities including the penalties for violation of Federal copyright laws;
- Provide a description of the institution’s policies and procedures with respect to unauthorized peer-to-peer file sharing, including disciplinary actions that are taken against students who engage in illegal downloading or unauthorized distribution of copyrighted materials using the institution’s information technology systems;
- Provide mechanisms for educating and informing the University community about appropriate versus inappropriate uses of copyrighted material, and offer “to the extent practicable,” 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 policy outlines Georgia Southern University’s policy of compliance with these requirements. This policy applies to all students, employees and contractors of Georgia Southern University that utilize the University’s network resources.

## II. Policy Statement

It is the policy of Georgia Southern University to comply with requirements of the HEOA regulations of October 29, 2009 to “combat the unauthorized distribution of copyrighted material by users of the institution’s network, without unduly interfering with educational and research use of the network” as defined in section §668.14 and §668.43.

## III. Procedures

1. *The use of one or more technology based deterrents.*
  - a. Georgia Southern University shall utilize bandwidth-shaping technology to prioritize network traffic on networks operated by the institution. The amount of bandwidth available to P2P applications will be severely constrained so as to not cause disruption to the network but to make the use of known P2P applications impractical. The logs and statistics associated with these devices are monitored on a regular basis to ensure the suppression of P2P activity is effective.
  - b. The CIO will also authorize the use of mechanisms, where appropriate, to prevent the installation of P2P software on computer systems by users.
2. *Mechanisms for educating and informing the University community about appropriate versus inappropriate use of copyrighted materials.* The institution uses a wide variety of methods to inform our community about the laws and Georgia Southern University’s response to copyright infringement claims including:
  - a. In order to use college computing resources, all members of the Georgia Southern University Community shall endorse an Appropriate Use Agreement that includes a section on copyright compliance.
  - b. All entering students shall be informed about illegal P2P use in orientation sessions.
  - c. Posters shall be placed in student computer labs and other locations to discourage illegal file sharing.

- d. Computing support staff, including student Help Desk workers, shall be regularly trained on policies and procedures with respect to copyright issues.
    - e. A web page shall be created that will provide access to this policy, legal alternatives to acquiring copyrighted works, The Georgia Board of Regents policy on copyright and other materials as required by §668.43.
  
- 3. *Procedures for handling unauthorized distribution of copyrighted material including disciplinary procedures:*
  - a. The University shall invoke its policy and procedures concerning the Digital Millennium Copyright Act in response to infringement claims. These policies and procedures are published on Georgia Southern University's web site.
  - b. The student handbook judicial procedures and established Human Resources policies may also apply to the enforcement of copyright infringement.
  
- 4. *Procedures for periodically reviewing the effectiveness of these procedures.*
  - a. The CIO will monitor and report the effectiveness of the bandwidth shaping technology on a weekly basis to ensure that P2P traffic is sufficiently inhibited.
  - b. The CIO will monitor and report copyright infringement claims and DMCA compliance activities.
  
- 5. *Provide information about legal alternatives for downloading or otherwise acquiring copyrighted material.*
  - a. The CIO will periodically review legal alternatives for downloading or otherwise acquiring copyrighted materials.
  - b. Results of the review will be made available to the University community through a website that provides links to legal alternatives. The relevant page on the Georgia Southern University web site is at <http://services.georgiasouthern.edu/aux/resnet/index.php> and will reference legal downloading resources as identified by the Recording Industry Association of America or Educause.

## IV. Definitions

**P2P:** Any distributed network architecture composed of participants that make a portion of their resources (such as processing power, disk storage or network bandwidth) directly available to other network participants, without the need for central coordination instances (such as servers or stable hosts). Peers are both suppliers and consumers of resources, in contrast to the traditional [client-server](#) model where only servers supply, and clients consume. Peer-to-peer was popularized by [file sharing](#) systems like [Napster](#). (Source: <http://en.wikipedia.org/wiki/Peer-to-peer>)