Background and summary

The Higher Education Opportunity Act (HEOA) was signed into law on August 14, 2008. Proposed regulations for implementing the act were issued by the Department of Education on August 21, 2009, and final regulations were issued on October 29, 2009. Enforcement of the HEOA provisions formally started July 1 and all colleges and universities were expected to be in compliance.

Several sections of the HEOA deal with unauthorized file sharing on campus networks, imposing three general requirements on all U.S. colleges and universities:

1. An annual disclosure to students describing copyright law and campus policies related to violating copyright law.
2. A plan to "effectively combat the unauthorized distribution of copyrighted materials" by users of its network, including "the use of one or more technology-based deterrents".
3. A plan to "offer alternative to illegal downloading".

Part 1: The plan to effectively combat copyright infringement

I-1. Link to relevant Web page(s)

North Dakota State University Annual Copyright Notice: www.ndsu.edu/its/copyright

www.ndsu.edu/fileadmin/education/Counselor_Education/Master_s_Program/MastersHndbk.pdf
www.ndsu.edu/fileadmin/education/Counselor_Education/Master_s_Program/Clinic_Handbook.pdf
http://copyright.musiclibraryassoc.org/
http://www.ag.ndsu.edu/academics/honor.htm

General Counsel’s Intellectual Forms etc.:
www.ndsu.edu/general_counsel/intellectual_property/

NDSU Policy 158 - Acceptable Use of Electronic Communications Devices:
http://www.ndsu.nodak.edu/policy/158.htm

NDSU Policy 190 - Intellectual Property (formerly Policies 340, 341 and 342):
http://www.ndsu.nodak.edu/policy/190.htm

NDSU Policy 340.1 - Coursepacks: http://www.ndsu.nodak.edu/policy/3401.htm

NDUS Procedure 1901.2 – Computer and Network Usage:
http://www.ndus.edu/policies/ndus-policies/subpolicy.asp?ref=2551

NDSU Library Webpage: http://library.ndsu.edu/research-help1/copyright/
1-2. What technology-based deterrent(s) have you decided to use?

A vigorous formal, documented, and established procedure of accepting and responding to DMCA notices.

Bandwidth is monitored in residence life and in campus classrooms. Certain limits are established, and if those limits are exceeded, and it is known a peer-to-peer program was used, the computer is blocked from the network. The MAC address is used as an identifier. The machine must be declared compliant before it can be added back to the network. The person who used/owns the computer must visit with the Chief IT Security Officer. If it is abnormally high usage, a complaint is filed with Student Life. Student Life is responsible for adjudication.

1-3. What mechanism(s) are you using to educate your community?

- When community members (faculty, students, and staff) activate their network services, they must complete an acceptable usage quiz. Within the quiz are several questions relating to copyright infringement and how it relates to NDSU policy and law.
- Course 189, “Skills for Academic Success at NDSU,” chapter 3, “Using Computing Technologies at NDSU.” A video specific to downloading and sharing copyright infringed materials is used for the coursework and lessons.
- NDSU employees and faculty are educated during new employee and new faculty orientation sessions.
- Incoming students new to NDSU are educated during orientation sessions.
- A Web page dedicated to copyright and fair use is published. See [http://www.ndsu.edu/its/intellectual_property_copyright/](http://www.ndsu.edu/its/intellectual_property_copyright/)
- Training and awareness presentations are available upon request for copyright and fair use.
- A copyright taskforce has been created for disseminating information and developing direction, interpretation, policy, and procedure for copyright and fair use.
- Various colleges and departments have intellectual property committees that provide adjudication and resolution for students who plagiarize or violate copyright law and policy.
- Those who have violated copyright and fair use policy through downloading and sharing of copyright protected materials must submit their computers to the NDSU Help Desk for verification that the material and applications used to download and share the product are removed from their electronic device. In addition, they must appear before a member of Student Life in a sanction hearing. Sanctions may include but are not limited to writing reflective papers, research papers, letters of warning, and possibly termination of their university career.
- Unsecured wireless and personal wireless routers are not allowed on the campus proper or residence life. All wireless access to the network services must be authenticated and secure.
- All computers must be registered with the IT Division.
- NDSU policies and handbooks that are specific to or mention copyright and fair use.
  - NDSU Policy 158 Acceptable Use of Electronic Communication Devices
  - NDSU Policy 190 Intellectual Property
  - NDUS Policy 1901.2 and NDUS Procedure 1901.2 Computer and Network Usage
  - NDSU Policy 340.1 Coursepacks
  - NDSU Student Code of Behavior
North Dakota State University
Higher Education Opportunity Act
Plan to Combat Copyright Infringement

Final July 2010

1-4. What procedures are you using for handling unauthorized distribution of copyrighted material (e.g., monitoring, sanctions, etc.)?

NDSU follows the procedure established by the University System DMCA agent for take down notices and other outside copyright infringement complaints.

1-5. How are you periodically reviewing the plan? What criteria are you using to determine if it is effectively combating copyright infringement?

NDSU response procedures are continually reviewed for effectiveness and relevance. We use insights from personal conversations with students, frequency of recidivism, developments in P2P software, etc).

Part 2: Offering Alternatives

2-1. Link to relevant Web page(s)

NDSU’s Resource Page for Legal Downloading Web Sites: www.ndsu.edu/its/intellectual_property_copyright/ndsu_copyright_compliance_notice/legal_downloading_resources/

2-2. Are you carrying out your own survey of alternatives or linking to one or more lists maintained by others? If the latter, which list(s)?

NDSU follows the survey published by EDUCAUSE.

2-3. Have you made any special arrangements with one or more content providers to obtain content through legal methods?

Ruckus was recommended as a resource until they went out of business on February 6, 2009.

Part 3: Informing the Community

3-1. Link to relevant Web page(s)

See www.ndsu.edu/its/copyright.

We send an e-mail at the beginning of fall and spring semesters to all students explaining the institution’s policy related to copyright infringement and that copyright infringement may subject them to civil and criminal penalties. Included in the e-mail is the link to the annual copyright notice. The e-mail also includes a summary of the penalties for violating Federal copyright law, as well as a description of the institution’s actions that are taken.

3-2. Have you developed your own statement regarding copyright and copyright law in general or are you linking to such statement(s) maintained by others? If the latter, which statement(s)?

We have developed our own statement.
North Dakota State University
Higher Education Opportunity Act
Plan to Combat Copyright Infringement

Final July 2010