



## **Auburn University HEOA Compliance Plan 2018**

This document outlines the steps that Auburn University will take to comply with H.R. 4137, the Higher Education Opportunity Act (HEOA).

The Higher Education Opportunity Act (HEOA) includes provisions to reduce the illegal uploading and downloading of copyrighted works through peer-to-peer (P2P) file sharing. Specifically, HEOA requires institutions to:

- make an annual disclosure that explicitly informs students that the unauthorized distribution of copyrighted materials may subject them to criminal and civil penalties and describes the steps that institutions will take to detect and punish unauthorized distribution of copyrighted materials;
- “to the extent practicable” offer alternatives to illegal file sharing;
- identify plans and procedures for periodically reviewing the effectiveness of the plans to combat the unauthorized distribution of copyrighted materials.

### **Annual Disclosure**

Auburn will use a variety of methods to inform students about copyright laws:

- Auburn University’s [Appropriate Use of Copyright Material Policy](#) provides information and guidelines of copyright laws.
- Incoming students who attend Camp War Eagle are presented “Survival Guide: A Student's Guide to Computing at Auburn University” which includes a section on copyright compliance and lists the link to AU’s IT Policy website.

This plan will be published online.

- Each Fall Semester, Auburn University students will receive an email from the Office of the CIO that explicitly informs students that the unauthorized distribution of copyrighted materials may subject them to criminal and civil penalties and describes the steps that Auburn University will take to detect and punish unauthorized distribution of copyrighted materials.
- This email notification will contain all or part of the following verbiage provided by the Department of Education:

### **Summary of Civil and Criminal Penalties for Violation of Federal Copyright Laws**

Copyright infringement is the act of exercising, without permission or legal authority, one or more of the exclusive rights granted to the copyright owner under section 106 of the Copyright Act (Title 17 of the United States Code). These rights include the right to reproduce or distribute a

copyrighted work. In the file-sharing context, downloading or uploading substantial parts of a copyrighted work without authority constitutes an infringement.

Penalties for copyright infringement include civil and criminal penalties. In general, anyone found liable for civil copyright infringement may be ordered to pay either actual damages or "statutory" damages affixed at not less than \$750 and not more than \$30,000 per work infringed. For "willful" infringement, a court may award up to \$150,000 per work infringed. A court can, in its discretion, also assess costs and attorneys' fees. For details, see Title 17, United States Code, Sections 504, 505.

Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five years and fines of up to \$250,000 per offense.

For more information, please see the website of the U.S. Copyright Office at [www.copyright.gov](http://www.copyright.gov), especially their FAQ's at [www.copyright.gov/help/faq](http://www.copyright.gov/help/faq).

### **Disciplinary actions taken against users who engage in illegal downloads of copyrighted material**

When AU receives a complaint that a user is redistributing copyrighted material:

AU's Designated Agent (D.A.)

- Contacts the individual and notifies him/her of the complaint.
- Requests that the individual
  - Remove any illegal, unauthorized material from the computer
  - Remove any P2P file-sharing material from the computer
  - Reset his/her Auburn University account password
  - Notify the D. A. in writing (email is satisfactory) that these steps have been completed and that he/she will not download copyrighted material illegally or without authorization while a student or employee at Auburn University.
- The D. A. refers the individual to a website that explains the law and the issues with regard to copyright.
- The D.A also tells the individual that a second complaint will be immediately referred to the Office of Student Conduct or the employee's departmental supervisor, as appropriate.

If the individual does not respond within 7 days, the D.A. sends another notice indicating that there is a serious problem with the user's account and asking for a response within 48 hours. The D. A. also notifies the individual that the lack of a response will result in restrictions being placed on the individual's account.

If the individual about whom the complaint was received does not respond to the second notice or does not satisfy the actions prescribed above, the D.A., will notify

- the Office of Student Conduct, if the individual is a student. The Office of Student Conduct will review evidence, and charge the student with the violation of the Code of Student Conduct to resolve the matter. (For more information on the process, see the [Code of Student Conduct](#).)
- the department supervisor, if the individual is an employee.

### **Plans that "effectively combat the unauthorized distribution of copyrighted materials" by users of the network**

Auburn University uses several technology-based deterrents to combat the unauthorized distribution of copyrighted materials:

- The University blocks many commonly known P2P ports at the network's border firewall.
- The University currently blocks most known P2P incoming and outgoing traffic utilizing an Intrusion Prevention System appliance placed at the network perimeter.

### **Alternative online sources for copyrighted materials**

There are many legal sources for copyrighted material such as music and movies.

### **Reviewing Effectiveness**

We will analyze the impact of our technical efforts to combat illegal file sharing, and other aspects of our plans to combat the unauthorized distribution of copyrighted materials.