

January 17, 2017

St. Charles Community College

**HEOA Compliance Plan to Combat Unauthorized Distribution of
Copyrighted Materials by Users of SCC's Networks**

This document outlines SCC's plan to comply with the Higher Education Opportunity Act (HOEA) as it related to combating unauthorized distribution of copyrighted materials by users of SCC's networks through peer-to-peer (P2P) file sharing. The HEOA requires that institutions:

1. Annually inform students that the illegal distribution of copyrighted materials may subject them to criminal and civil penalties and describe the steps that institutions will take to detect and punish illegal distribution of copyrighted materials.
2. Develop and implement written plans to "effectively combat" the unauthorized distribution of copyrighted material including the "use of one or more technology-based deterrents."
3. Offer alternatives to illegal file sharing to the extent practical.
4. Identify procedures for periodically reviewing the effectiveness of the plans to combat the unauthorized distribution of copyrighted materials.

I. Annual disclosure to students

- To remain an "eligible institution" for student loan and assistance programs under the Higher Education Opportunity Act, SCC provides students with an annual notice that describes institutional policies and sanctions related to copyright infringement. This notification is sent out annually in the fall semester by Marketing and Communications for the Dean of Student Development to all active students and is posted on the SCC website.
- Students are required to adhere to all SCC policies related to copyright and fair use. This information is posted on the SCC website and includes information on copyright, guidelines of copyright laws, and fair use:
 - SCC Library Copyright Policy
<http://www.stchas.edu/library/copyright>
 - Board Policies & Administrative Procedures: 400: Student Body and Educational Programs: 410.0 Student Conduct, Discipline, and Due Process:
<https://www.stchas.edu/about-scc/administration/board-policies/410-Student-Conduct-Discipline-and-Due-Process>

- Agent to Receive Notification of Claimed Copyright Infringement: <http://www.stchas.edu/copyright>
 - Board Policies & Administrative Procedures: 800 Information Technology/Computer Usage: <https://www.stchas.edu/about-scc/administration/board-policies/800>
 - Student Handbook, Copyright Violations: <https://www.stchas.edu/studenthandbook>
 - All students are required to comply with the practices stated in the Information Technology Student Information Student Acceptable Use Policy, which is posted on the SCC website. <https://www.stchas.edu/about-scc/administration/board-policies/800>
 - All students are required to comply with the Conduct for Computer Use Policy posted in each computer lab and on the SCC website at <https://www.stchas.edu/about-scc/student-consumer-info/computer-use-policy>
- Marketing and Communications sends out a memo by email annually at the beginning of fall semester to all students. The memo includes information on copyright laws and campus policies related to violating copyright laws. This memo is also posted on the College's website.
 - Students, who are found to be in violation of any SCC policy, including copyright violations, will be adjudicated through the Student Conduct, Discipline, and Due Process procedures, located in the Student Handbook. See Board Policy 410, Student Conduct, Discipline and Due Process. <https://www.stchas.edu/about-scc/administration/board-policies/410-Student-Conduct-Discipline-and-Due-Process>. Students may also be prosecuted in criminal court or be sued for damages in civil court for violation of copyright laws. Cases involving copyright violations will be referred to the campus police, who will forward a report to the prosecuting attorney's office for their review.

II. Plan to “effectively combat” the unauthorized distribution of copyrighted material including the “use of one or more technology-based deterrents”

SCC uses the following technology-based deterrents to combat the unauthorized distribution of copyrighted materials:

For LAN users:

- Traffic shaping device that monitors and restricts the peer-to-peer traffic in our network.
- Inventory scan of PCs running peer-to-peer software programs.
- Software monitoring software program loaded in academic computer labs and classrooms.

For Wireless Users:

- Traffic shaping device that monitors and restricts peer-to-peer traffic on our network.

III. Alternative online sources for copyrighted materials

Many legal sources are available for copyrighted material such as music and movies. Some are free and some charge a nominal fee. A current and comprehensive compendium of legal sources can be found at the Motion Picture Association of American website, <http://www.mpaa.org/>. The SCC Library makes available licensed journal, music, movie and image resources to support instruction for currently enrolled students, faculty, and staff members at <http://www.stchas.edu/library>. These licensed resources require electronic authentication based upon patron files that are regularly updated. The SCC Library provides assistance to instructors who want to use copyrighted materials in a course supported by a Learning Management System (LMS). Permission from the copyright owner is an important option for posting materials on a course management system. Instructors are ultimately responsible for securing permission to place material on the LMS as needed. They should consider alternatives such as linking from the course management system to items located in the library's licensed databases. A link may be made directly from the course management system to the database that includes the desired material. Reference librarians can help instructors locate and make these links. Simple links to other Internet sites generally do not raise copyright concerns.

III. Review of Effectiveness

- SCC performs a weekly scan of all faculty and staff PCs to identify peer-to-peer software programs and to restrict that traffic using a traffic-shaping device. • All traffic logs on monitoring devices are reviewed regularly.
- PCs are monitored daily in the computer classrooms by the lab assistants.
- The Dean of Student Success will forward to the Cabinet the number and type of cases handled annually through judicial affairs. Cabinet will determine if current policies/procedures are appropriate or if additional steps are necessary to ensure compliance.