

PLAN FOR COMBATTING THE
UNAUTHORIZED DISTRIBUTION OF
COPYRIGHTED MATERIAL BY USERS OF
THE OLLU NETWORK

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PLAN OVERVIEW

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 peer-to-peer (P2P) file sharing.

OLLU takes the following measures to comply with the requirements:

I. ANNUAL DISCLOSURE

OLLU uses a variety of methods to annually inform the campus community about copyright infringement laws:

- a. All current students, faculty and staff are notified annually about unauthorized distribution of copyrighted material, including unauthorized P2P file sharing, possible civil and criminal penalties for copyright infringement, a summary of those penalties for violating Federal copyright law, and OLLU policies related to unauthorized P2P 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 system.
- b. The Technology Acceptable Use Policy (AUP) acceptance notification is prominently displayed at the time of each login on all campus-owned Windows computers, the portal login, and the Blackboard LMS login.
- c. All students are required to acknowledge having read and understood the AUP annually.
- d. The "Guidelines for Compliance with the AUP" document (referenced within the AUP) provides additional guidance for how students, faculty and staff can avoid copyright violations. It also provides links to sites that allow legal downloading of copyrighted content.
- e. Information regarding OLLU's plan for complying with the HEOA P2P requirements are included in the Student Handbook.
- f. OLLU's Higher Education Opportunity Act Peer-to-Peer Compliance Plan are posted on the OLLU and Sueltenfuss Library websites.

II. INVESTIGATION OF COPYRIGHT VIOLATIONS

OLLU maintains a vigorous program to accept and respond to Digital Millennium Copyright Act (DMCA) notices. When OLLU receives a copyright infringement claim involving music, video, software, or other digital materials, the following steps are taken:

- Check the network usage logs and registration information to examine the system allegedly involved in copyright infringement and identify the person using it at the time of infringement. Technology Services will not disclose the user's identity to the claimant.

- Notify the Office of the Vice President of Student Affairs of the infringement claim and provide them with the relevant technical information collaborating the claim.
- Student Affairs will contact the alleged violator about the claim. If the user does not dispute the claim, they will require the user to submit a statement (a) confirming the copyright infringement, (b) acknowledging violation of the OLLU Technology Acceptable Use Policies, and (c) removing copyrighted materials and promising not to repeat the behavior.
- If the user denies using copyrighted materials, he/she must make a statement denying the copyright infringement. Information Technology Services will then inform the claimant that the user has denied the claim. Student Affairs will inform the student that under the DMCA, the claimant may pursue a subpoena to obtain the identity of the system user and may file a lawsuit against the user.
- For repeat violators, Information Technology Services suspends the user's access to the campus network and informs the Office of the Vice President for Student Life of the action taken. During the suspension period, students still have access to the network using lab computers.
- Inform the claimant that the matter has been resolved.

III. OFFERING OF LEGAL ALTERNATIVES

A listing of legal alternatives for downloading are included in "Guidelines for Compliance with the AUP" document on the university portal.

IV. REVIEW THE PLAN ANNUALLY TO DETERMINE ITS EFFECTIVENESS

The OLLU Information Technology Services Management Team along with the Office of the Vice President of Student Affairs and the Sueltenfuss Library leadership will periodically review the copyright education efforts at the University. Reviews will also take place when considerable changes to the law, regulations or other events require.

AUTHORIZATION

This plan was approved and subsequently adopted by Curtis Spears, CTO, on April 5, 2019.

REFERENCES AND RELATED DOCUMENTS

- OLLU [Technology Acceptable Use Policy](#)
- OLLU [Guidelines for Compliance with the AUP](#)
- OLLU [Student Handbook](#)
- OLLU Employee Handbook

- [Educause Legal Sources of Online Content](#)
- U.S. Copyright Office [Copyright Infringement and Remedies](#)
- U.S. Copyright Office [Frequently Asked Questions About Copyright](#)