

Messiah University
Compliance with the Higher Education Opportunity Act
Peer-to-Peer File Sharing Requirements

Introduction

The Higher Education Opportunity Act of 2008 (HEOA), includes provisions that are designed to reduce the illegal uploading and downloading of copyrighted works through peer-to-peer (P2P) file sharing. This statute and the federal regulations which interpret it require that a college or university will:

- A. Develop and implement written plans to effectively combat the unauthorized distribution of copyrighted material by users of the institution’s network, without unduly interfering with the educational and research use of the network. The plans must include:
 - a. One or more technology-based deterrents;
 - b. Mechanisms (including distribution of the annual disclosure described in Requirement C below) for educating and informing its community about appropriate versus inappropriate use of copyrighted material;
 - c. Procedures for handling unauthorized distribution of copyrighted material, including disciplinary procedures; and
 - d. Procedures for periodically reviewing the effectiveness of the plans to combat the unauthorized distribution of copyrighted materials by users of the institution’s network using relevant assessment criteria.
- B. “To the extent practicable,” offer legal alternatives for downloading or otherwise acquiring copyrighted material. Periodically review the legal alternatives for downloading or otherwise acquiring copyrighted material, and make the results of the review available to its students through its Website.
- C. Make annual disclosure informing students of institutional policies and sanctions related to copyright infringement, including—
 - a. A statement that explicitly informs its students that unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may subject the students to civil and criminal liabilities;

- b. A summary of the penalties for violation of Federal copyright laws; and
- c. A description of the institution's policies 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 system.

This document outlines Messiah University's plan to comply with these requirements.

Technology-Based Means to "Effectively Combat" the Unauthorized Distribution of Copyrighted Material

Messiah University employs the following technology-based deterrents to unauthorized distribution of copyrighted material:

- We have the ability to shrink or block traffic to/from certain destinations when warranted
- We follow a rigorous program of accepting and responding to Digital Millennium Copyright Act (DMCA) notices. The University's policies and procedures concerning the Digital Millennium Copyright Act and our response to infringement claims are found on the University Website at [Alleged Web Copyright Infringement by Messiah University Students or Employees](#).

Educating and Informing the Messiah University Community

Consistent with our educational principles, we view education as the most important element in combating illegal sharing of copyrighted materials at Messiah University. We use a wide variety of methods to inform our community about the law and Messiah's response to copyright infringement claims:

- In order to access the campus network or the Internet each year, all Messiah y students must review and agree to abide by the University's acceptable usage policies at its [Computer Registration](#) page. This page includes disclosure of University policies relative to computer access, copyright infringement, and wireless communication, as well as material regarding illegal downloading, virus protection, and unauthorized access. It also contains links to additional information relevant to these topics.
- Messiah's policies and procedures concerning the [Digital Millennium Copyright Act](#) and our response to infringement claims are published on the University Website at [Alleged](#)

[Web Copyright Infringement by Messiah College Students or Employees.](#)

- Messiah will annually disclose to all students its institutional policies and sanctions related to copyright infringement, including all information described in Requirement C above. The required summary of the civil and criminal penalties for violation of Federal copyright laws will be as follows:

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 and 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, especially their FAQs at www.copyright.gov/help/faq

- Messiah College has a Copyright Working Group, which has among its functions: to develop programs and strategies for informing the campus on copyright; to assist in interpreting fair use; and to advise on copyright questions.
- Messiah College’s [Copyright Working Group](#) maintains a [Copyright website](#) intended to pull together the College’s copyright policies and statements, and to serve as an educational tool to inform the campus about copyright. Among other things, the page contains links to the College’s Copyright Clearance Guidelines and relevant forms, copyright basics, information based on format or type of material, decision trees, links to copyright tutorials, and many frequently asked questions.
- Copyright policy statements are included in all graduate school syllabi and in all undergraduate syllabi in QUEST (General Education) courses.
- Messiah’s [Website Content and Copyright Information](#) page, as well as an Infringement notice, and Infringement policy, are accessible in the Student Consumer Information link at the bottom of every page of the College Web site.

Procedures for Handling Unauthorized Distribution of Copyrighted Material

Any Messiah College student or employee who is found to be responsible for illegal downloading or unauthorized distribution of copyrighted materials using the College's information technology system in violation of [Alleged Copyright Infringement by Messiah College Students or Employees](#) will be subject to applicable disciplinary procedures as published in the [Student Handbook](#) or the [Policy and Procedure Manual](#) for employees. He or she may also be subject to appropriate legal sanctions.

Offering Alternatives to Illegal File Sharing

The Messiah College's Copyright website provides a page containing legal alternatives for downloading music, videos, and other digital content, including the link to the [EDUCAUSE-maintained web page](#) containing a list of such materials. Members of the Messiah community are encouraged to take advantage of these legitimate sources of digital content.

The Copyright Working Group and Information Technology Services will periodically examine how well the college community is informed about illegal file sharing and other copyright regulations; the extent to which community members are taking advantage of legal alternatives; 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. Procedures to accomplish the goals of these plans will be adjusted as required.