

Higher Education Opportunity Act (HEOA) Compliance Statementⁱ

Introduction

The Higher Education Opportunity Act of 2008 specifies that regulations be published and promulgated regarding institutional efforts to reduce illegal uploading and downloading of copyrighted work through peer-to-peer (P2P) file sharing on campus networks. The final regulations were released in late 2009.

The law requires three things:

- 1) Institutions are required to make an annual disclosure to inform students that illegal distribution of copyrighted materials may subject them to criminal and civil penalties and describes the steps that institutions will take to detect and punish illegal distribution of copyrighted materials.
- 2) Institutional are required to certify to the Secretary of Education that they have developed plans to "effectively combat" the unauthorized distribution of copyrighted material. In developing these plans, institutional are required to consider the use of technology-based deterrents. Report language that accompanies the law explicitly states that technology-based deterrents include "bandwidth shaping" and "traffic monitoring to identify the largest bandwidth users," and indicates that certain education and enforcement programs will also qualify.
- 3) Institutions are required, "to the extent practicable" to offer alternatives to illegal file sharing. Both he practicality and selection of alternatives are to be determined by the institution "in consultation with the chief technology officer or other designated official of the institution.

Compliance with annual disclosure

Concordia College's President's Cabinet has approved a document, "File Sharing Information" which is posted within our Portal (C-Port) and sent to the entire student body annually in August. The information is also provided in Orientation presentations.

Compliance with copyright protection

Information Technology Services (ITS) has developed an "Electronic Copyright Protection Plan" which will be used to monitor the use of the institution's bandwidth through traffic monitoring and bandwidth shaping to the extent practicable. An annual report will be provided to the Provost at the end of each academic year which will contain an assessment of the effectiveness of the plan and actions taken.

Compliance with alternative notification

Concordia College does not offer services for downloading copyrighted materials. In the document, "File Sharing Information," the College refers students to the legal music sites list provided by the Recording Industry Association of America (RIAA).

Review of the Policy

This policy may be reviewed from time to time. The Associate Provost / Chief Information Officer is responsible for determining when the policy needs to be reviewed and modified.

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