



NDNU Compliance with the Higher Education Opportunity Act (HEOA) Peer-to-Peer File Sharing Requirements

The Higher Education Opportunity Act (HEOA) of 2008 added provisions to the Higher Education Act of 1965 intended to reduce the illegal uploading and downloading of copyrighted works through Peer-to-Peer (P2P) file sharing.

What follows are the three primary requirements of HEOA related to this issue, and information regarding actions being taken by Notre Dame de Namur University (NDNU) in order to demonstrate good faith in doing due diligence to comply with the HEOA regulations.

I. An annual disclosure to students describing copyright law and campus policies related to violating copyright law.

As stated in the [NDNU Acceptable Use Agreement \(AUP\)](#), Users of NDNU Computing Systems:

Shall not copy computer software, or other materials protected by copyright or trademark, from, into, or by NDNU computing facilities, except as permitted by law or by the contract with the owner of the copyright or trademark.

This includes the illegal uploading and downloading of copyrighted works (music, movies, images, software, etc) through P2P file sharing. P2P applications such as Morpheus, BitTorrent and Limewire are installed by users to share downloaded files with other Internet users. While P2P applications are not illegal and can be used for legal file sharing, they are also frequently used for illegal file sharing.

In 1998, the U.S. Congress passed into law the Digital Millennium Copyright Act (DMCA). Since then, copyright owners and organizations such as the Recording Industry Association of America (RIAA) and Motion Picture Association of America (MPAA) have actively scanned the Internet to detect computers that are illegally sharing copyrighted files.

NDNU is considered an Internet Service Provider (ISP) for its students, faculty, and staff, and the DMCA requires NDNU to effectively respond to complaints it receives of copyright infringements.

Should NDNU receive a copyright infringement claim involving music, video, software, or other digital materials, Section F. Violations and Enforcement steps of the NDNU AUP will be followed.

NDNU will annually send an email outlining NDNU's strong stance against illegal file sharing and campus policies to faculty, staff, and students at the beginning of each academic year, and will address these during New Student and New Employee Orientation. This will be included in Student Handbooks and Faculty-Staff Handbooks beginning in the 2011-12 academic year.

Flyers will also be posted in student computer labs and elsewhere to discourage illegal file sharing.

NDNU Office of Information Technology (OIT) staff are trained on copyright and illegal file-sharing issues, and this information is disseminated to OIT student workers.

For detailed information about copyright laws and legal consequences for violations, please see these sites:

B4Ucopy.org

[U.S. Copyright Office](#)

II. A plan to "effectively combat the unauthorized distribution of copyrighted materials" by users of its network, including "the use of one or more technology-based deterrents".

NDNU combats the unauthorized distribution of copyrighted materials by the following methods:

NDNU utilizes a Blue Coat PacketShaper to prioritize network traffic (shape bandwidth).

Ports of P2P applications known to be widely used for illegal file sharing are blocked on the NDNU Campus Firewall. Ports of P2P applications widely used for legal uses, such as World of Warcraft gaming, are open.

III. A plan to "offer alternatives to illegal downloading".

Legal Downloading Sites

NDNU maintains a strong stance against illegal downloading and file sharing, and all members of the campus community are cautioned to use only legal sources of online digital content.

Educause, a nonprofit association whose mission is to advance higher education by promoting the intelligent use of information technology, maintains a comprehensive list of these legal resources.

[Legal Sources of Online Content](#)

Annual Review

The plan and policy outlined above to combat the unauthorized distribution of copyrighted materials will be reviewed annually by NDNU Senior Administration in order to assess its effectiveness and will be revised as necessary to remain in compliance.