

Central Maine Community College Compliance Plan for the Higher Education Opportunity Act (HEOA) Peer-to-Peer (P2P) File Sharing Requirements

Under 34 CFR 668.14(b)(30), an institution, as a condition of participation in any Title IV, HEA program, must have developed and implemented 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 user of the network. An institution must include in its plans:

- ▶ The use of one or more technology-based deterrents;
- ▶ Mechanisms for educating and informing its community about appropriate versus inappropriate use of copyright material, including the consumer information an institution must provide, upon request, in accordance with 34 CFR 688.43(a)(10).;
- ▶ Procedures for handling unauthorized distribution of copyrighted material, including disciplinary procedures; and
- ▶ Procedures for periodically reviewing the effectiveness of the plans to combat the unauthorized distribution of copyright materials by users of the institution's network using relevant assessment criteria. ( DCL (Dear Colleague Letters) ID: GEN-10-08 Publication Date: June 4, 2010)

The following outlines Central Maine Community College's (CM) plan to comply with the Higher Education Opportunity Act (HEOA) of 2008 with regard to Peer-to-Peer (P2P) file sharing; insure that the CM community (students, faculty and staff) are aware of the College's position on the illegal use of copyrighted material; and still promote the College's commitment to quality education and information literacy on our campus.

- 1) *Annual Disclosure to Students (current and future) describing copyright law and campus policies related to violating copyright law.*
- a) Information on the College's Copyright guidelines and CM community members' responsibilities regarding the use of copyrighted materials, either in print and/or digital formats, including information on the System's, the College's and federal penalties for infringement, can be found the following places.
  - ▶ College Library's Copyright Web page
  - ▶ Published Acceptable Use Policies:
    - Acceptable Use Policy (AUP) is posted in the Library in the Lab area and on the Library's web site (<http://www.cmcc.edu/library/acceptable.htm> )
    - Separate Copyright statement addressing illegal photocopying of copyrighted material is located on wall by the Library photocopier.
    - Dorm Internet and Computer Policy (required to be signed by all students and computer identification addresses **MUST** be given to IT before a dorm student can use the College's network)
- b) CM uses the following methods to educate the CM community about its position regarding the infringement of Copyright law and penalties imposed as a result of being identified as an abuser.

- ▶ Email students, faculty and staff annually copyright statement and notifying them where more detailed information can be located
  - ▶ Educational opportunities
    - Copyright tutorials on the Copyright site
    - Conduct a copyright session for faculty and staff
    - Conduct workshop for students, especially dorm students re P2P use
- 2) *A plan to “effectively combat” copyright abuse on the campus network using “one or more technology-based deterrents”.*
- a) The College wired network (classrooms and offices) use Cisco ASA Firewalls to disable use of P2P, Torrent, and downloading of high bandwidth content. A combination of Microsoft group policy and McAfee is used to secure endpoints from installing or running P2P and/or torrent based applications and clients.
  - b) The College Wi-Fi network uses Exinda packet shaping technology to classify, throttle and limit users based on protocol and network traffic type. In addition to packet shaping technologies, daily reports are generated of application use, bandwidth usage, and packet throttling metrics.
  - c) For the Campus dormitory networks, both hardwired and wireless, the College leverages Exinda’s Packet shaping technology to both shape and control the allocation of bandwidth in and out of the network. Wireshark, is also used to monitor and identify patterns of excessive use of bandwidth. Daily reports are generated of application use, bandwidth usage, and packet throttling metrics.
  - d) Reports are received and reviewed daily and any notifications of violations of the Digital Millennium Copyright Act (DMCA) are forwarded to the Maine Community College System’s (MCCS) Designated Agent.
- 3) *Procedures in place for handling unauthorized distribution of copyrighted material, including disciplinary procedures*
- a) The College and the MCCS have a process in place for accepting and responding to Digital Millennium Copyright Act (DMCA) notices as well as written Copyright policies that including Campus and System disciplinary procedures for students who are found illegally involved in P2P file downloading, uploading and file sharing.

The *MCCS Complying with Copyright Laws* Section 207 part D and E explains in detail the process by which the system will enforce DMCA. It also states

MCCS prohibits use of its computer systems and internet networks to copy, store, display or distribute copyrighted material in any medium, or to prepare derivative works of such material, without the express permission of the copyright owner, except as otherwise allowed under copyright law. Persons who distribute without proper authorization copyrighted material violate this policy and will be subject to

discipline and, under law, to civil and criminal liabilities. These penalties include injunctions, impoundment and disposal of infringing articles, civil damages, fines and other costs. (<http://intranet.mccs.me.edu/PoliciesandProcedures/PolicyDocs/Policy%20207.pdf>).

- b) Reports of illegal downloading, file sharing and uploads received by CMCC's IT Department are forwarded to the MCCS Designated Agent to be handled in compliance with procedures outlined in Section 207(D) and (E) of the above referenced document.
  - c) In addition, local disciplinary actions will be enforced as outlined in the Dorm Internet and Computer Use Policy and the College's Acceptable Use Policy. These documents state:
    - ▶ That the use of CM computer resources is a privilege, not a right, and inappropriate use may result in disciplinary action taken under the MCCS policies and procedures and/or the CMCC Student Code of Conduct which may result in suspension or dismissal from the College.
    - ▶ Specifically the Dorm Internet and Computer policy states that if someone is found to be hosting copyrighted material on the network for others to access, their connection will be terminated without question until proven that they own a licensed copy of the software and the legal right to share that material.
    - ▶ Additionally the Dorm Internet and Computer policy states "by connecting to our network, you automatically agree to the terms of this policy. You also agree to random network resource scanning for copyrighted material that is being shared for others to access."
- 4) *Agreement to "offer alternatives to illegal downloads"*
- a) The "Alternatives to Illegal Downloading" portion of the new HEOA guidelines is being met by providing a link on the College Library's Copyright site at the HEOA page where access to the EDUCAUSE link of legal resources is provided. That information is reviewed by EDUCAUSE on a regular basis. (<http://www.educause.edu/legalcontent> )
- 5) *Reviewing the effectiveness of the Plan.*
- a) In order to evaluate the effectiveness of the compliance plan, the College will follow procedures outlined below. After the yearly review any modifications or additions to the plan and the Campus' program will be announced and incorporated into this compliance plan.
    - ▶ Keep statistics on the number of DMCA incidents received over the year
    - ▶ Track the number of students that have abused the bandwidth with illegal downloads
    - ▶ Convene on a yearly basis, a review group consisting of Dean of Students, Director of Admissions, Director of Financial Aid, Director of IT, Director of Library Resources, a CM staff member and a CM student to review the plan.