

Western Oregon University HEOA (Higher Education Opportunity Act) Plan

The Higher Education Opportunity Act of 2008 was passed on August 14, 2008. Section 488(a)(1)(E) requires institutions to take steps to combat the unauthorized distribution of copyrighted materials through illegal downloading or peer-to-peer distribution of intellectual property. A rulemaking process followed and Final Regulations 34 CFR 668.14(b)(30) and 668.43(a)(10) were published on October 29, 2009 to codify rules for enforcing compliance with the new HEOA law. The Final Regulations go into effect July 1, 2010.

Paragraph 668.14(b)(30)

WOU's plan to effectively combat the unauthorized distribution of copyrighted material by users of the institution's network, without unduly interfering with educational and research use of the network includes:

(i)

(A) WOU uses both Network Access Control (to enforce network policy compliance – specifically not having p2p applications installed) and an Intrusion Prevention System that actively monitors all network traffic for p2p signatures. WOU continues to respond promptly to Digital Millennium Copyright Act (DMCA) notices with progressive sanctions and meeting with the end user(s) to warn and educate.

(B) The WOU Computing Services p2p file-sharing information website, <http://www.wou.edu/ucs/policies-procedures/file-sharing-information/>, has several links to sites to educate and inform students about the appropriate and inappropriate use of copyrighted material.

(C) WOU has established procedures for handling unauthorized distribution of copyrighted materials, including disciplinary procedures. These procedures can be viewed under the Copyright Infringement Notifications section at: <http://www.wou.edu/ucs/policies-procedures/file-sharing-information/>

(D) WOU annually examines the effectiveness of its plans to combat the unauthorized distribution of copyrighted materials. Assessment criteria include previous years' logs of DMCA incident notifications.

(ii)

(A) WOU annually reviews its Legal Alternatives list for downloading copyright material.

(B) The results of the review in (A) above are used to update the Legal Alternatives document found at: <http://www.wou.edu/ucs/policies-procedures/file-sharing-information/>

(C) WOU will continue to offer legal alternatives for downloading copyrighted material in consultation with its chief information security officer.

Paragraph 668.43(a)(10)

WOU's institutional policies and sanctions related to copyright infringement includes:

(i) WOU informs students yearly via a one-to-one email that unauthorized distribution of copyrighted material or unauthorized peer-to-peer file sharing may subject students to civil and criminal liabilities. That information can be found at: <http://www.wou.edu/ucs/policies-procedures/file-sharing-information/>

(ii) A summary of the penalties for violation of Federal copyright laws is found at: <http://www.wou.edu/ucs/policies-procedures/file-sharing-information/>

(iii) A description of the disciplinary actions taken against students who engage in illegal downloading is located under the Copyright Infringement Notifications section at: <http://www.wou.edu/ucs/policies-procedures/file-sharing-information/>