HEOA COMPLIANCE POLICY

Policy Statement

The Higher Education Opportunities Act of 2008 (HEOA) [Student Assistance General Provisions 34 CFR Section 668] contains provisions which require The University of Southern Mississippi (USM) implement a 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." To that end, this policy includes:

- The use of one or more technology-based deterrents
- Mechanisms for educating and informing its community about appropriate versus inappropriate use of copyrighted material
- Procedures for handling unauthorized distribution of copyrighted material, including disciplinary procedures
- Procedures for periodically reviewing the effectiveness of the plan
- To the extent practicable, offer legal alternatives for downloading or otherwise acquiring copyrighted material

Purpose

This policy was developed to address the HEOA requirements to mitigate copyright infringement by users of the USM networks. This policy compliments and reinforces the USM “Peer-to-Peer” and “Acceptable Use” policies, both of which specifically prohibit the use of USM resources for the illegal acquisition and distribution of copyrighted materials.

Website Address for this Policy

https://www.usm.edu/institutional-policies/policy-acaf-it-016
Definitions

**Digital Millennium Copyright Act (DMCA):** United States copyright law that complies with World Intellectual Property Organization treaties, specifically addresses digital access control and digital rights management, and enhances penalties for copyright infringement over the Internet.

**Downloading:** Network trafficking of data files originating from an external network and destined for the USM network.

**Higher Education Opportunities Act of 2008 (HEOA):** United States legislation that reauthorizes previous legislation design to strengthen post-secondary institutions and provide financial aid for students of colleges and universities.

**Peer-to-Peer (P2P):** Direct data communication between two or more network capable devices over the Internet or other network, usually for the purpose of sharing any data file (including, but not limited to, music, pictures, video, software, and documents).

Policy

1. **Technical Control**
   1.1. The University shall deploy a technical control at the perimeter of the USM network that must be configured to employ a method of detecting known P2P protocols and application traffic.
   1.2. The technical control shall be configured to drop network connections identified as P2P traffic and log the event.

2. **User Education**
   2.1. USM students, faculty, staff, contractors, consultants, temporary employees, affiliates and any other person accessing the Internet through USM networks are required to read and abide by the Peer-to-Peer and Acceptable Use policies before accessing USM technology resources.
   2.2. Annually, a message will be sent to all “usm.edu” email addresses providing the Uniform Resource Identifier (URI) for the Peer-to-Peer and Acceptable Use policies.
   2.3. A notice detailing specific issues and items related to this plan and copyright infringement, along with the URI for the Peer-to-Peer and Acceptable Use policies will be mailed to university mailboxes annually.

3. **Procedures and Penalties**
   3.1. Handling of P2P policy violations are addressed in the Peer-to-Peer Policy.
   3.2. Procedures for the handling of violations of the Acceptable Use Policy are addressed in the Acceptable Use Policy.
   3.3. Procedures for handling appeals of sanctions against individuals for prohibited P2P activity are outlined in the Peer-to-Peer Policy. Appeals for students, faculty, and staff for other penalties arising from violation of university policies are handled per the handbook governing that individual or per contract or other legal agreement, if that individual is not affiliated with USM.
   3.4. Annually, the Peer-to-Peer and Acceptable Use policies will be reviewed by the Office of the CIO for their effectiveness in addressing copyright violations. The following metrics will be captured and analyzed:
3.4.1. The number of P2P related DMCA complaints received.
3.4.2. The number of P2P related events logged by the technical controls.

4. **Relevant Laws**
   4.1. 17 U.S.C. § 504 specifies that a person infringing on copyright may be obligated to repay up to $30,000 per work in a civil action, or up to $150,000 per work if it is proven that the copyright infringement was willful.
   4.2. 18 U.S.C. § 2319 makes it a federal crime to infringe copyright when it can be proven that the violation was committed willingly with attempt to profit. A person convicted of copyright infringement can face up to 10 years of imprisonment, depending on the specifics of the case.

5. **Sources for Permissible Digital Music and Video Entertainment**
   5.1. The Office of the CIO will provide some examples of services that provide digital entertainment legally.
   5.2. The Office of the CIO will review sources for legal media annually for availability and relevance.
   5.3. Sources for permissible Music Services and Video Services can be found in Appendix A.

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**Review**

The HEOA Policy will be reviewed annually by the Office of the CIO.

**Forms/Instructions**

N/A
Appendix A

ABOUT EXTERNAL LINKS
The University of Southern Mississippi (USM) is not responsible for the content of any off-site pages that are referenced by or that reference the USM web site.

USM is not responsible for any defamatory, offensive, misleading or illegal conduct of other users, links or third parties, and the risk of injury from the foregoing rests entirely with the user. Links from the USM web site to other sites, or from other sites to the USM web site, do not constitute an endorsement by USM.

It is the responsibility of the user to evaluate the content and usefulness of information obtained from other sites. All information provided by the USM web site is made available to provide immediate access for the convenience of faculty, staff and students of USM. While USM believes the information is reliable, human or mechanical error remains a possibility. Therefore, USM does not guarantee the accuracy, completeness, timeliness, or correct sequencing of information. USM shall not be responsible for errors or omissions, or for the use of, or results obtained from the use of, the information.

Reference to any specific commercial products, processes, or services by trade name, trademark, manufacturer, or otherwise does not constitute or imply endorsement, recommendation, or favoring by USM or its affiliates.

MUSIC SERVICES
Apple iTunes: https://www.apple.com/itunes/
Google Play: https://play.google.com
Spotify: https://www.spotify.com

VIDEO SERVICES
Apple iTunes: https://www.apple.com/itunes/
Google Play: https://play.google.com
Netflix: https://www.netflix.com
HBO: https://www.hbonow.com/

Related Information

Acceptable Use Policy: https://www.usm.edu/institutional-policies/policy-acaf-it-010
Peer-to-Peer Policy: https://www.usm.edu/institutional-policies/policy-acaf-it-011
History

Amendments: Month, Day, Year – summary of changes

1. 11/01/11: Formatted for Institutional Policies website.
2. 02/19/13: Formatted for template. Policy section renumbered. Minor editing of punctuation and usage throughout.
3. 06/24/15: Made the following major changes to this plan:
   a. Provided detailed scope for “Who Need to Know This Policy” section.
   b. Updated Policy/Procedure section 1.
   c. Removed item 2.4
   d. Slightly modified wording of 3.1
   e. Added as 3.4 a policy statement requiring Office of the CIO to annually review the P2P and Acceptable Use policies.
4. 06/25/15: Some document restructuring to improve readability and organization.
5. 9/11/15: Minor grammatical edits.
6. 10/23/15: Created Appendix A for “Sources for Digital Music and Video Entertainment” section and moved external link disclaimer from “Related Information” to Appendix A.
7. 05/19/16: Removed “Who Needs to Know This Policy” section, and modified DMCA and HEOA definitions.
Authorization
Title: HEOA Compliance Policy
Policy number: ACAF-IT-016

RECOMMENDED BY:

[Signature]
Responsible University Administrator

[Signature]
Responsible University Officer

REVIEWED BY:

[Signature]
Director of Compliance and Ethics

[Signature]
Office of General Counsel

APPROVED:

[Signature]
President