

REID STATE TECHNICAL COLLEGE COMPLIANCE WITH THE HIGHER EDUCATION OPPORTUNITY ACT (HEOA)

File sharing and distribution regulations

Introduction

The Higher Education Opportunity Act (HEOA) (Public Law 110-315) was passed by Congress in August 2008. The HEAO is a reauthorization of the Higher Education Act. Within this legislation, you will find regulations requiring colleges to publish their plan for compliance with copyright law. Further it requires:

- Disclose to students annually the criminal nature and penalty of illegal distribution of copyrighted materials, including “technology-based deterrents”.
- Develop plans to “effectively combat” the unauthorized distribution of copyrighted material.
- Offer alternatives to illegal file sharing, to the extent practicable.
- Review periodically the effectiveness of the plans.

Reid State Technical College’s compliance plan is described in this document.

Annual Disclosure Plan

Reid State is committed to provide postsecondary education and training to students from diverse backgrounds and abilities on a non-discriminatory basis in order to prepare an effective workforce and to promote economic growth and community stability. In the spirit of scholarship, collaboration, technological specialization, flexible learning opportunities and personal development, the entire college seeks an improved quality of life for all students. In accordance with this mission, Reid State will responsibly adhere to the disclosure requirements of the HEOA. The College will:

- Display Information Technology regulations on the website.
- Display Copyright Law on the website.
- Notify students annually, by mail, of the location of the copyright and information technology laws.
- Require the endorsement of the acceptable use policy prior to the use of the college’s website, web registration, or other internet usage.
- Include within the acceptable use policy the copyright compliance regulations.
- Discuss the distribution of copyrighted materials and technology-based deterrents in the New Student Orientation (On-Trac).

- Display periodically the importance of the adherence to the Digital Millennium Copyright Act on campus plasma screens.
- Involve the Student Government Association in projects that release information about copyright infringements and their penalties.
- Host Professional Development Seminars on Copyright Law.
- Discuss the Digital Millennium Copyright Act at Advisory Committee Meetings and distribute materials to enlighten faculty, staff, and committee members.

Effective Prevention of Unauthorized Distribution of Copyrighted Materials Plan

As a commuter college, Reid State does not endorse peer-to-peer file sharing on campus. We restrict the downloading of p2p software on college computers and request those using individual laptops to curtail usage while on campus. Most illegal p2p software is blocked through internet content filtering.

If Reid State receives a copyright breach claim involving music, software, videos, games, or other digital resources, we take the following actions under the *Digital Millennium Copyright Act* or DMCA:

- We verify network usage logs to examine the system alleged to be involved in copyright infringement;
- We identify the person using the network;
- We suspend the user's internet access;
- We notify the copyright holder (or agent) that we are handling the infringement claim under the rule of the DMCA;
- We don't release the user's identity;
- We inform the user that an infringement claim has been made
- We question the user about their downloading or sharing of the copyrighted material in question without permission.

We continue with disciplinary actions according to the College's policies in the Student Handbook pg.38.

Defining the Copyright Law

The purpose of copyright law is "to promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries".¹ Current copyright law has expanded coverage to include the idea of stimulating the creation of as many works of art, literature, music, and other works of authorship. The goal is to promote Progress of Science and (as we would say today) engineering and manufacturing as much as possible, per the

¹ US Constitution, Article 1 section 8

constitution, as well works of art, literature, music, and other works of authorship, in order to benefit the public. The United States recognizes no absolute, natural right in an author to prevent others from copying or otherwise exploiting his work. The copyright laws give authors limited property rights in their works, but for the ultimate purpose of benefiting the public by encouraging the creation and dissemination of more works. The author's interest is secondary to that of the public.

As is the case with other intellectual property doctrines, copyright law attempts to reach an optimal balance between the potential conflicting public interests of:

1. Encouraging creativity by giving exclusive property rights in creations
2. Fostering a competitive marketplace by giving the freest possible public access to works of authorship and the ideas they encompass.

The balance in copyright is drawn by limiting property rights to the author's particular method of expressing an idea or information. Copyright never gives rights in the idea being expressed, or in facts or other elements of the public domain, which an author may incorporate into his work. Others are free to express the same idea as the author did, or use the same facts, as long as they do not copy the author's original way of expressing the ideas or facts. In addition, even those rights granted in the author's expression are limited in duration and are subject to certain exceptions permitting public use under limited circumstances.

The United States copyright law protects "original works of authorship", including literary, dramatic, musical, artistic, and certain other intellectual works. This protection is available to both published and unpublished works.

Copyright law includes the following types of works

- Literary
- Musical
- Dramatic
- Pantomimes and choreographic works
- Pictorial, graphic, and sculptural works
- Audiovisual works
- Sound recordings
- Derivative works
- Compilations
- Architectural works²

² Wikipedia, the free encyclopedia, United States Copyright Law, Scope of Copyright Law.

Alternatives to Illegal File Sharing Plan

Reid State offers legal file sharing sources updated and maintained by Educause at www.educause.edu/legalcontent. This site is available to students, faculty, and staff via the college's website.

Evaluation Plan

Reid State Technical College proposes an Annual Assessment Process for evaluating the overall effectiveness of various facets of the college. Institutional Compliance Requirements of Public Law 110-36 will be a part of this assessment process. The evaluation proposal will determine whether or not Reid State's procedures for compliance with Public Law 110-36 have been successful. Compliance indicators include the number of infringements to the law reported during an academic year and the College's ability to deter illegal copyrighting.

Attached you will find a survey that will be used to quantify objective feedback on Reid's compliance activities.

ATTACHMENT 1

RSTC COMPUTER INFORMATION SURVEY

For each item identified below, circle the number to the right that best fits your judgment of its measure. Use the scale above to select the quality number.

QUESTIONS	Scale				
	P o o r	Good			E x c e l l e n t
1. How would you rank the Reid States website?	1	2	3	4	5
2. How would you rank the college's emphasis on file sharing?	1	2	3	4	5
3. How would you rank the college's filtering software?	1	2	3	4	5
4. If you have attempted p2p sharing of copyrighted materials without permission, how well would you say the institutions software to deny accessibility worked?	1	2	3	4	5
5. How would you rank the college's computer labs?	1	2	3	4	5
6. How would you rank the college's ability to repair lab hardware?	1	2	3	4	5
7. How would you rank the software available to students?	1	2	3	4	5
8. How would you rank the software available to faculty?	1	2	3	4	5
9. How would you rank the wireless accessibility?	1	2	3	4	5
10. How would you rank the college's web registration?	1	2	3	4	5

Thank you for participating in this survey.

Reid State Technical College

Acceptable Use Policy &

Internet Agreement

Computer use policies safeguard the rights and privileges of all users. In exchange for the use of Reid State Technical College computer systems, either at school or away from school, I understand and agree to the following:

1. It is my responsibility to avoid abusive conduct, which would include, but not be limited to the altering of system software, placing of unlawful information, computer viruses or harmful programs on or through the system in either public or private files or messages.
2. I am accountable for the use of my password. My password will not be revealed to anyone. Any problems, which arise from the misuse of my home directory, are my responsibility.
3. I will not use the school's computer system to obtain, view, download, or otherwise gain access to or transmit materials that are unlawful, obscene, pornographic, abusive, or otherwise objectionable.
4. If I receive any unsolicited on-line contact, I will not respond and will advise my instructor or the system administrator immediately.
5. I will use only software owned or approved by Reid State Technical College on all workstations and networks.
6. I will use all computer equipment as intended. I will not tamper with terminals, associated equipment or otherwise disable the system or related equipment.
7. I will not change, copy, rename, delete, read, or otherwise access files or software that I did not create, unless I have written permission from the System Administrator.
8. I will not use school computer equipment for anything other than school related work without permission from the System Administrator.

9. I will not participate in peer-to-peer file sharing or downloading of illegal file sharing sources.
10. I will not participate in the unauthorized distribution of copyrighted materials.
11. I will reference Reid State's File sharing and distribution regulations for further information on copyright law.
12. I have read and agree to conditions in the Terms and Conditions for Internet Use as described in Reid State Technical College's Internet Acceptable Use Policy.

I understand and will abide by the above Internet Use Agreement. I further understand that any violation of the regulations above is unethical and may constitute a criminal offense. Should I commit any violation, my access privileges may be revoked, school disciplinary action and/or appropriate legal action may be taken.

I DON'T Agree

I Agree

REID STATE TECHNICAL COLLEGE

HIGHER EDUCATION OPPORTUNITY ACT (HEOA) ACTIVITY CALENDAR

July 2010	Orientation
August	Displayed on Plasma Screens
September	Student Calendar Message
October	Advisory Council Meeting
November	Mail Outs
December	SGA Activity/Handouts
January 2011	Orientation
February	Surveys
March	Professional Development
April	Advisory Council Meeting
May	Orientation
June	Awards Day Announcement