Higher Education Opportunity Act Task Force

Meeting #1

Tuesday, October 6th, Norlin Library M210 8:30 am


Agenda:

1. Introductions and Goals of the Task Force – Marin Stanek

Purpose: ensure compliance and most appropriate response to the Higher Education Opportunity Act, which is an update of the Higher Authorization Act. We are focusing on:

Certifying that Boulder campus has a plan to “effectively combat the unauthorized distribution of copyrighted material.” (through communication efforts and technology deterrents).

Certifying that we will offer alternatives to illegal downloading or P2P distribution “to the extent practicable . . . as determined by the institution in consultation with the chief technology officer or other designated officer.”

2. Current communication elements – Greg Stauffer

CU-Boulder currently has a variety of communication conduits in which to educate students and staff about copyright laws. In response to the HEOA, we will review the following materials:

- CU-Boulder Course Catalogue
- Ralphie’s Student Guide
- Getting Started with Technology booklet
- Parent and Student orientation PowerPoint
- Housing login registration page and acceptance use prompt
- www.colorado.edu/copyright pages
- CU-Boulder’s Statement on Copyright (includes month-long campaign of posters, table tents, and Buff Bulletins)
- Security Awareness Fall Campaign – copyright

Within each one of these venues the following message will be delivered:

Unauthorized distribution of copyrighted materials may be subject to both civil and criminal penalties as well as university procedures. Sanctions for students include a “three strikes rule, see:
www.colorado.edu/copyright/filesharing/procedures.html. Additionally, the university provides
resources regarding copyright awareness and acceptable use as well as offering alternatives for obtaining copyrighted materials. To combat the illegal use of copyrighted materials, the university utilizes technology deterrents to curb unlawful activity.

All of these materials will be reviewed on an annual basis to ensure currency. This strategy of communicating and educating the campus community about unauthorized distribution of copyrighted materials will be developed into a written plan that both the Chief Information Officer as well as the Chief Financial Aid Officer has immediate access to in order to comply with HEOA.

CU-Boulder’s Statement on Copyrighted Materials:

As a community, we respect the intellectual property of others, regardless of what medium the material is transmitted in. This is a cornerstone of academic integrity. We prohibit the use of unauthorized distribution of copyrighted material, which is subject to both civil and criminal penalties as well as university procedures.

3. Current network deterrents – David Wood

- Packeteer Packetshaper (Deep Packet Inspection... Becoming less useful)
- QoS (On campus only)
- Limit Internet Bandwidth Consumption (Top 10% use 90% of bandwidth, apply to entire campus, including wireless)

4. Current alternatives offered and new copyright site – Brice Austin

See: [http://ucblibraries.colorado.edu/copyright/index.htm](http://ucblibraries.colorado.edu/copyright/index.htm) and Educause site: [http://www.educause.edu/Resources/Browse/LegalDownloading/33381](http://www.educause.edu/Resources/Browse/LegalDownloading/33381)

5. State of copyright infringements on campus and process for dealing with complaints – Dan Jones

(confidential data presented)

CU-Boulder generally addresses copyright violations with a “three strikes” procedure. It also recognizes that, depending on the situation, a single offense may be sufficient for immediate suspension or termination of network services and access privileges, and for names of violators to be referred to the appropriate authorities for criminal or civil prosecution.

First Notification

The first time notification is received that a computer on the CU-Boulder network is associated with the downloading or distribution of copyrighted materials, an email is sent to the user registered to that computer (or, sometimes, to a departmental system administrator) informing him or her of the notification. The user has two business days to respond and either demonstrate that the notification was unwarranted (by showing, for instance, that the materials were not copyrighted, or that the use qualified for a legal exception) or indicate that no more unauthorized downloading or distribution will take place.
If any notification is shown to be unwarranted, no record of it is kept.

If the user does not respond within two days and/or if unauthorized use of copyrighted materials continues, network access is suspended (the user’s network connection is disabled) until the situation is resolved. Email and other accounts are not disabled. The appointing or sponsoring authority of faculty, staff, or sponsored affiliates is informed of this first notification. Users who receive a notification of a copyright violation are strongly encouraged to review the educational materials on these copyright pages, and take the self-quiz on the site to check their understanding of the issues.

**Second Notification**

On the second notification, the user will have his/her network access suspended immediately. He or she is required to submit a signed certification page that states that the user understands copyright issues and the ramifications of a subsequent offense or to demonstrate that the notification was unwarranted. Network access will be restored no sooner than two business days after receipt of the certification page. The appointing or sponsoring authority of faculty, staff, or sponsored affiliates is informed of this second notification.

**Third Notification**

If after completion of the educational requirement, a third notification is received, network access shall be suspended immediately. The user is again informed by email of the notification. Cases involving students are sent to Judicial Affairs; those involving faculty or staff are referred to the appropriate appointing authority. Network access is not restored, if at all, until the case is adjudicated by Judicial Affairs, or reviewed and decided by the appointing authority. Judicial Affairs and the appointing authority can impose whatever sanctions—including termination of network access; probation, suspension, expulsion (for students); or corrective action (for faculty and staff)—are deemed appropriate.

The existence and imposition of university sanctions do not protect members of the campus community from any legal action by external entities or the university itself.

**6. Our obligation to fulfill HEOA – Marin Stanek (with input from Rebecca Currey, Legal Counsel)**

Discussion

7. Adjourn

Next meeting: October 28th. Agenda: discuss what other communication is needed, if any. Discuss alternative technology deterrents we want to use, if any. Discuss what alternatives we want to offer, if any.