

Higher Education Act of 2008 Regulation 668.14 and 668.43(a)(10)

668.14 (30) –

(30) The institution has 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 use of the network, that include –

(A) The use of one or more technology-based deterrents;

-- East Carolina University has placed technology-based deterrents to discourage the illegal downloading and sharing of copyrighted material. In addition, the university has placed rate-limiting technologies in locations on the network to make ECU less of a target for illegal sharing of copyrighted materials. These limits make ECU less appealing to file sharers due to slow network speeds.

An e-mail address (DMCA@ecu.edu) is used for receiving and responding to DMCA notices per the requirements of the Higher Education Opportunity Act (HEOA).

(B) Mechanisms for educating and informing its community about appropriate versus inappropriate use of copyrighted material, including that described in 668.43(a)(10)

- ECU implemented an annual electronic agreement through ONESTOP, the university's Web Portal, that requires agreement to read and comply with university policies and federal and state laws in regards to file sharing. Twice a year at the beginning of each semester, faculty, staff and students will be required to agree to the user statement (through OneStop);
- Informing campus of file-sharing restrictions, copyright guidelines, computer use policies, providing a list of frequently asked questions, etc. (<http://www.ecu.edu/itcs/filesharing.cfm>); and
- Providing alternatives* such as a listing of legal music services through a university Web site and educational material—newspaper ads, flyers, posters, etc.
- Providing media resources for faculty such as access to the PBS Media Collection (http://media.lib.ecu.edu/erdb/erdb_description.cfm?id=489).
- Addition of file sharing copyright statement summarizing penalties, alternatives, and including the Campus Statement on Copyright distributed through the year through email.
- ITCS File Sharing Awareness Campaign - <http://www.ecu.edu/cs-itcs/CustomCF/ECUCpyrtFilesharingAwareness.pdf>

(C) Procedures for handling unauthorized distribution of copyrighted material, including disciplinary procedures; and

-- When a faculty or staff member is detected participating in unauthorized peer-to-peer file sharing, Human Resources staff registers the complaint and takes appropriate action against the individual.

When ECU receives a complaint about the IP address assigned to a student's computer or the university detects a student participating in unauthorized peer-to-peer file sharing, we take the following action:

Updated Procedure (January 2013)

- DMCA notification letter sent to student
- Sanction: Student is required to complete Blackboard course (tag placed on account until complete)
- Sanction: Notice that next violation may result in loss of privileges

**Note: a conduct case is not opened, the first offense is processed as FYI only and serves as an educational opportunity for the student

- Meet with OSRR
- Sanction: Warning
- Sanction: Meet with DHO or designee to remove file sharing software
- Sanction: Removal of ResNet access for 6 mos. Or wireless access for off campus students. Contact should be made with Aaron Lucier.
- Sanction: Notice that next violation may result in loss of privileges

**Note: a conduct case is created and will be processed through the student code of conduct on second offense

- Meet with OSRR
- Sanction: Probation (4 mos.)
- Sanction: Meet with DHO or designee to remove file sharing software
- Sanction: Removal of all computer privileges for 6 mos. Contact should be made with Aaron Lucier

- Meet with OSRR
- Sanction: Suspension for one semester

(D) Procedures for periodically reviewing the effectiveness of the plans to combat the unauthorized distribution of copyrighted materials by users of the institution's network using relevant assessment criteria. No particular technology measures are favored or required for inclusion in an institution's plans, and each institution retains the authority to determine what its particular plans for compliance with paragraph (b)(30) of this section will be, including those that prohibit content monitoring; and

--Annually, the CIO and the registered DMCA Officer and University Attorney will meet to review the effectiveness of the copyright plan. Overall awareness, technology changes and frequency of incidents will be taken into account. If the metrics suggest modification of the plan, changes will be implemented.

(ii) Will, in consultations with the chief technology officer of the institution –

(A) Periodically review the legal alternatives for downloading or otherwise acquiring copyrighted material;

(B) Make available the results of the review in paragraph (b)(30)(ii)(A) of this section to its students through a Web site or other means; and

(C) To the extent practicable, offer legal alternatives for downloading or otherwise acquiring copyrighted material, as determined by the institution; and

-- Annually, tools are reviewed by the Office of the CIO and results are made available at <http://www.ecu.edu/itcs/filesharing.cfm>).

* East Carolina University developed a partnership with RUCKUS to provide campus with a legal means of music sharing; however, RUCKUS was deactivated in February 2009. ECU provides faculty, staff, and students a listing of legal music services on the Information Technology and Computing Services Web site.

668.43(a)(10)

(10) Institutional policies and sanctions related to copyright infringement, including

(i) A statement that explicitly informs its students that authorized distribution of copyrighted material, including unauthorized peer to peer file sharing, may subject the students to civil and criminal liabilities;

(ii) A summary of the penalties for violation of Federal copyright laws; and

(iii) A description of the institution's policies with respect to unauthorized peer-to-peer file sharing, including disciplinary actions that are taken against students who engage in illegal downloading or unauthorized distribution of copyrighted materials using the institution's information technology system; and

--University Statement on Copyright (<http://www.ecu.edu/cs-itcs/policies/copyright.cfm>)

--Example of Distributed Email

File sharing – know the rules!

Illegally downloading copyrighted music, movies, and other protected material via file-sharing programs can cost you your network access. You may even be subject to civil and criminal penalties ranging from \$750 to \$200,000 and up to 10 years of imprisonment. University employees who violate university computer-use policies will be subject to disciplinary action up to and including dismissal. Student violations are misconduct under the applicable student disciplinary code. Sanctions may include revocation of access privileges in addition to other sanctions available under the regular disciplinary procedures.

Legal alternatives: Pandora, Spotify, eMusic, and iTunes.

Follow ECU's [Student Code of Conduct](#), [computing-use policies](#), [copyright policies](#), and [federal copyright laws](#).

University Attorney Statement on Copyright: <http://www.ecu.edu/cs-itcs/policies/copyright.cfm>.

Visit www.ecu.edu/itcs/itsecurity/filessharing.cfm for more information and recommended reading, or contact the Office of Student Rights and Responsibilities, 364 Wright Building, 252.328.6824 with any questions.