

Rule 4-002A: Compliance with Illegal File Sharing Provisions of the HEOA (Higher Education Opportunity Act)

I. Purpose

This rule outlines the requirements for meeting the safe-harbor provisions of the Digital Millennium Copyright Act and for implementing the Higher Education Opportunity Act of 2008.

II. References

- A. Policy 4-002: Information Resources Policy
- B. Policy 4-004: University Information Technology Resource Security Policy
- C. Policy 7-013: Copyright Policy: Copying of Copyrighted Works
- D. Digital Millennium Copyright Act of 1998
- E. Higher Education Opportunity Act of 2008 (PL 110-315)
- F. Higher Education Opportunity Act of 2008 Manager's Report Peer-To-Peer File Sharing Memorandum

III. Rule

- A. University will provide an annual disclosure to all University of Utah students, faculty, and staff members that:
 - 1. Informs all students, faculty and staff members that unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may subject the students, faculty, or staff members to civil and criminal liabilities;

2. Provides a summary of the penalties for violation of Federal copyright laws;
and
 3. A description of the University's policies with respect to unauthorized peer-to-peer file sharing, including disciplinary actions that are taken against students, faculty, or staff members who engage in unauthorized distribution of copyrighted materials using the institution's information technology system.
- B. The University, under the direction of the Chief Information Officer or his or her designee :
1. Shall develop plans to effectively combat the unauthorized distribution of copyrighted material, including through the use of a variety of technology-based deterrents.
 2. Will, to the extent practicable, suggest alternatives to illegal downloading or peer-to-peer distribution of intellectual property, as determined by the institution in consultation with the chief technology officer.
- C. Compliance with the Digital Millennium Copyright Act of 1998:
1. Upon proper notification of a copyright infringement claim involving music, video, software or other digital material, the University will take appropriate steps to remove the offending content as quickly as possible, and notify the alleged infringer of the claim. Where possible, the following process will be followed:
 - a. Quarantine the offending computing device from the University network,
 - b. Redirect the user to a web page which will
 - i. explain the reason for the quarantine,
 - ii. provide instructions on what steps the user may take to resolve the copyright infringement problem, and

- iii. provide an electronic form to the user which requires the user to acknowledge that they have received notice of a copyright infringement claim and that will take steps necessary to remove infringing materials from the University network.
2. Where possible, quarantine of a specific computing device does not result in the termination of user accounts.
3. A second or repeat offense by the same individual may result in termination of the end-user's account and/or disciplinary action in accordance with University Policy 5-111, Corrective Action and Termination Policy for Staff Employees, University Policy 6-316, Code of Faculty Rights and Responsibilities, or in accordance with University Policy 6-400, Code of Student Rights and Responsibilities.

IV. Contacts

Policy Officer: Chief Information Officer, 801-581-3100

Policy Owner: Chief Information Security and Privacy Officer, 801-587-9241

compliance@utah.edu

V. History

A. Current version: Revision 1

Effective date: August 30, 2010

Approved by the Academic Senate: June 1, 2010 and classified as academically significant.

Approved by the Academic Senate: August 30, 2010

Legislative History: [Cover memo](#)

B. Earlier version:

Revision 0: Effective November 2, 2009 to August 29, 2010 Legislative History:

1. Legislative History: [Cover memo](#)
2. Legislative History: [Memo to University](#)