



## **Plan to Combat the Illegal Distribution of Copyrighted Materials by Users of the Saint Mary's Network, in Compliance with the Provisions of the Higher Education Opportunity Act (HEOA).**

In order to comply with Sections 668.14(b)(30) and 668.43(a)(10) of the Higher Education Opportunity Act (HEOA), Saint Mary's College of California will implement the following plan:

- A. Technology-based deterrents
  - a. Saint Mary's currently employ bandwidth-shaping technology to prioritize network traffic. We will severely limit the amount of bandwidth available to P2P applications, but we will not filter such applications out completely, since some of the traffic is legal and related to our educational mission.
- B. Educate the community about the sharing of copyright protected materials
  - a. Annual Disclosure letter (see item F below) will be sent to the students in the Fall.
  - b. Annual Disclosure letter (see item F below) will be sent to the Faculty and Staff in the Fall.
  - c. The ISO will conduct the File-Sharing Awareness program that will consist of:
    - i. Periodic informational posters and graphics posted around campus and on the Digital Signage system designed to raise awareness of the ethical issues raised by, and the penalties for, illegal file sharing.
    - ii. Periodic examination of P2P traffic monitors for large users of P2P protocols. These users will receive an informational e-mail message about the consequences of illegal file sharing.
- C. Procedures for handling instances of illegal file sharing and copyright infringement
  - a. Illegal file sharing, and using Saint Mary's Information Technology resources for activities that constitute copyright infringement, are prohibited by Section 8.0 of the *Saint Mary's College of California Technology Use Policy*, which is incorporated into the *Student, Staff and Faculty Handbooks*. Violations may result in disciplinary actions and penalties as described in those policy documents. These documents are available on the College's main web site.
  - b. DMCA. Legal copyright infringement notices received by the College will be handled in compliance with the Safe Harbor provisions of the Digital Millennium Copyright Act (DMCA). Detailed information on how the College processes these notices is described in a Knowledge base article

entitled *Illegal File Sharing and the DMCA FAQ's*. This document is available through the IT Services pages on the College's main web site.

D. Review of effectiveness

- a. The ISO will review the effectiveness of the measures described above annually, after establishing a base for measurement during the first year of the program.
- b. The basic measure will be a comparison of the total number of copyright infringement notices received by the College each year.

E. Legal Alternatives

- a. EDUCAUSE maintains a list of legal sources of online content that they recommend as appropriate for university and college networks. This list will be reviewed by the ISO at least annually, and will be made available to the Saint Mary's community via the IT Services Knowledge base available on the College's main web site.

F. Annual Disclosure

- a. As required by law, Saint Mary's College will annually send messages via email to all students, and to Faculty and Staff, that contains all of the elements described in Section 668.43(a)(10) of the HEOA.