



TECHNOLOGY-RELATED HEOA COMPLIANCE STATEMENT

The Higher Education Opportunity Act of 2008 (HEOA) sets forth many requirements for colleges and universities. This statement pertains to the triad of requirements designed to address illegal peer-to-peer file sharing of copyrighted works by those using campus networks.

The unauthorized distribution of copyrighted material, including through peer-to-peer file sharing, may subject a student to criminal and civil penalties. The laws that govern copyright are not specific to any one technology. Students can violate the rights of a copyright holder using many different types of technology. Both uploading and downloading of files can pose a violation of the copyright law. Students should be cautious when obtaining any copyrighted material. As a rule of thumb, before a student receives anything for free, they should research whether that source provides material licensed by the copyright owner. Pomona College offers a list of licensed sources at [\[ITS webpage link\]](#).

For example, individuals who violate copyright law by illegally uploading or downloading copyrighted music files may be subject to civil penalties of between \$750 and \$150,000 per song. These penalties are established by federal law. In the past, pre-litigation settlements offered by copyright owners have ranged from \$3,000 to \$4,000 and up while juries have issued verdicts of hundreds of thousands and even millions of dollars. Additionally, a court may, in its discretion, grant the copyright owner reasonable attorney fees. Although criminal prosecution of students for file sharing is extremely rare, federal law lays out criminal penalties for intentional copyright infringement which can include fines and jail time.

In addition to potentially violating the law, unauthorized distribution or receipt of copyrighted material is a violation of the College's Appropriate Use Policy. That policy states that:

The Claremont Colleges' Faculty, Staff, and Students use the Claremont Colleges facilities, equipment, materials, and information resources to facilitate The Claremont Colleges' academic mission and college operations. Individuals are urged to exercise common sense and to use The Claremont Colleges' resources in an appropriate manner consistent with the Colleges' respective policies and standards of conduct. The Claremont Colleges' information and information resources shall be used in an approved, ethical, and lawful manner. Information resources include, but are not limited to:

- ❖ College-owned computers and associated peripheral devices
- ❖ Classroom presentation systems
- ❖ Voice messaging equipment
- ❖ Data networking equipment systems, including both remote and wireless access
- ❖ College-owned computer software
- ❖ Electronically stored and transmitted institutional data and messages
- ❖ Services to maintain these resources

Faculty and Staff for each college shall contact the Information Security Officer, or designee, of their respective college prior to engaging in any activity not explicitly covered by their college's policies.



Pomona College:

- 1) Informs students annually that they may be subject to criminal and civil penalties if they engage in illegal distribution of copyrighted materials and describe the steps being taken to detect and address such activity.
- 2) Certifies to the Secretary of Education that the institution has plans to effectively combat unauthorized distribution of copyrighted material.
- 3) Offers alternatives to illegal file sharing.

To comply with the above requirements, Pomona College:

- 1) Provides warnings online, in print, and in presentations that students who violate copyright laws may be subject to criminal and civil penalties. Instances of copyright infringement are specifically mentioned in the College's Appropriate Use Policy.
- 2) Downgrades the priority of file sharing network traffic as well as monitoring of network activity to ensure policy conformance in order to certify to the Secretary of Education that the Pomona College effectively combats illegal file sharing.
- 3) Accepts and responds to DMCA notices.
- 4) Provides a link on the Technology Services website to the extensive list of legal alternatives for downloading music and video files compiled by [EDUCAUSE](#), a nonprofit association focused on information technology in higher education.