

# Compliance with the Higher Education Opportunity Act (HEOA) Peer-to-Peer File Sharing Requirements

H.R. 4137, the Higher Education Opportunity Act (HEOA), is a reauthorization of the Higher Education Act. It includes provisions that are designed to reduce the illegal uploading and downloading of copyrighted works through peer-to-peer (P2P) file sharing.

## How does peer-to-peer (P2P) file sharing work?

Peer-to-peer (P2P) file sharing is the distribution of digital media such as software, videos, music, and images through an informal network in order to upload and download files. Typically, P2P software allows users to select which files to share. These files are indexed on a central server, making them available for other users to find and download.

Sharing media is not illegal if you have the right to distribute the content. However, **many file sharing applications are used to illegally access copyrighted material.**

## P2P File Sharing Risks

### Malware

- **Dangerous files can hide behind safe file names.** Users can upload malware and name it “Orange is the New Black Episode 1” or “Oxford English Dictionary Volume 3.”
- **P2P software may not be trustworthy.** Many applications do not uninstall completely when you attempt to remove them, or do not comply with settings on which files to share and which to keep private.

### Privacy Breach

- **You may share more files than you intend.** Some applications automatically share folders that contain media. Settings on file sharing applications can also be difficult to interpret, and instead of sharing a few vacation photos, you may unintentionally share an entire photo library.

### Financial Penalties

- **Many industries and organizations watch file sharing networks** to catch and fine users sharing copyrighted materials.
- **Sharing copyrighted materials can make you liable for fines ranging from hundreds to thousands of dollars.** Companies may also decide to file a lawsuit, which can result in penalties exceeding \$100,000.
- **Companies providing content that users might find embarrassing are more likely to skip warning letters and attempt to settle immediately.** This pressures users to pay fines rather than risk publicity.

## Combatting Unauthorized Distribution of Copyrighted Material

- The College currently applies bandwidth-filtering technology to prioritize network traffic and block bandwidth to P2P applications.
- If we observe continued high bandwidth consumption we will contact users to ensure that their bandwidth consumption is the result of legal purposes only.
- Respect for copyright and intellectual property are important aspects of academic integrity. Additional information regarding the [Digital Millennium Copyright Act of 1998](#) is provided on the [U.S. Copyright Office](#) website.

## Alternatives to Illegal File Sharing

- Educause maintains a comprehensive list of [Legal Downloading Resources](#). Members of the Kaskaskia College community are encouraged to take advantage of these legitimate sources of digital content.

## File Sharing Complaints

Kaskaskia College is considered an Online Service Provider under the Digital Millennium Copyright Act (DMCA) and is therefore responsible for ensuring that illegal P2P file sharing that uses the College technology resources are stopped. The DMCA complaint process is as follows:

- A violation notice with evidence is sent to the College. This notice may or may not include a settlement letter.
- Kaskaskia College Information Technology (IT) staff verify the information and identify users or devices by consulting technical logs.
- Network access is removed for devices involved in the copyright infringement. The violation notice and evidence are sent to the appropriate manager or conduct officer.
- Managers or conduct personnel proceed with the appropriate disciplinary action.