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LAKE-SUMTER STATE COLLEGE  
ADMINISTRATIVE PROCEDURES

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TITLE: Higher Education Opportunity Act (HEOA)

NUMBER: PRO 2-19

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REFERENCE: Board Rule 2.26

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- I. Sharing and/or downloading copyrighted music, videos, and film is both illegal and against LSSC policy. It is critical that students understand the implications of illegal file sharing and downloading are severe, and that they refrain from such activity. The recording and motion picture industries have adopted an increasingly aggressive position in finding and prosecuting individual infringers, particularly in the university and College setting, for the sole purpose of making an example of impermissible uses and deterring other infringing activities.
- II. Illegal File Sharing and Downloading at LSSC and the DMCA. The Digital Millennium Copyright Act (DMCA) requires copyright holders to notify LSSC if a student user has illegally downloaded content. As a consequence, students who utilize their computing privileges to misuse the bandwidth for illegal downloads and file sharing could face:
  - a. The termination of their network privileges;
  - b. Further College disciplinary action; and/or;
  - c. The very real prospect of criminal prosecution by the notifying holder of copyright.

If you have P2P file-sharing applications installed on your computer, you may be sharing copyrighted works without even realizing it. Even if you do not intend to engage in infringing activity, installing P2P software on a computer can easily result in your unintentionally sharing files with other P2P users, and you may then be personally responsible for the legal and financial consequences.

Although the HEOA makes reference only to students using Peer-to-Peer, this policy applies to all LSSC network users. The College reserves the right to suspend or terminate network access to any campus user if the violation is deemed severe. Likewise, network access may be suspended if any use is impacting the operations of the network. After a review from the Chief Information Officer, violations may be reported to appropriate authorities for criminal or civil prosecution.

### III. **DMCA PROCEDURES**

LSSC has the following procedures in place to deal with students who are in violation of applicable copyright laws.

- a. As part of its efforts to combat illegal file sharing, LSSC endeavors to educate and inform its community about copyright infringement. To that end, users of the University network must

agree to be bound by the College's Acceptable Use Policy. The College also publishes the Student Handbook, which contains the College Copyright Policy.

- b. The following steps are taken by the College administration for a first-time copyright infringement notice:
  1. A copyright infringement notice is sent to the user's Laker mail account detailing the alleged copyright infringement.
  2. The user is given a specific deadline to remove the offending material & report the removal to the LSSC help desk.
  3. If the user removes the offending material(s) in the time allowed, the incident is closed.
  4. If the user does not complete the removal in the time allowed, network access is revoked.
  5. If the offending material(s) is not removed, a second request is made of the user to remove the offending material. If the user agrees to remove the material, network access is restored. If the user does not agree to remove the offending material(s), network access is revoked.
  6. Once the user alerts the help desk that these tasks have been completed and the College has verified compliance, network access will be enabled within two business days and the incident is closed.
  
- c. The following steps are taken by College administration for recurring/subsequent copyright infringement notice(s).
  1. A copyright infringement notice is sent to the student's Laker mail account detailing the alleged copyright infringement. A letter will also be sent to the student's home address.
  2. Network access is revoked.
  3. The incident is referred to the appropriate disciplinary office for a conduct meeting through the office of the Director for Student Development and/or the Associate Vice President for Student Affairs.
  4. Network access will only be restored upon recommendation by the appropriate disciplinary office.
  5. If found responsible through the formal discipline process, the student must re-affirm his or her understanding and acceptance of the College's Acceptable Use Policy and successfully complete all mandated disciplinary sanctions.
  6. This disciplinary process may result in the permanent removal of accessibility to the College network, and significant disciplinary sanctions mandated by the Director of Student Development and/or Assistant Vice President of Student Affairs. These sanctions could include suspension and/or dismissal from the College.

#### IV. LEGAL ALTERNATIVE

LSSC endeavors to provide its community with information about various legal sources of music, videos, books and other copyrighted material. For a comprehensive list of legal sources of music, videos, books and other copyrighted material, see the Educause website at [www.educause.edu/legalcontent](http://www.educause.edu/legalcontent).