

ODU Plan for Combating Unauthorized Distribution of Copyrighted Materials

Complying with the P2P Provisions of the 2008 HEOA

Prelude

The HEOA P2P provisions* require universities to develop and implement “written plans to effectively combat the unauthorized distribution of copyrighted material by users of the institution’s network without unduly interfering with the educational and research use of the network.” This document is Old Dominion University’s plan to satisfy this HEOA requirement.

A. Introduction

Old Dominion University is committed to upholding U.S. copyright law. As an Online Service Provider under the meaning of the Digital Millennium Copyright Act (DMCA), the University does not monitor its networks for the purpose of discovering illegal activity. However, the University pursues a set of ongoing initiatives to ensure that copyright, particularly as it applies to digital assets, is respected within the University community. The initiatives at Old Dominion University (ODU) campus relevant to the HEOA are described as follows in this plan.

B. Technology-based Deterrents

Four categories of “technology-based deterrents” have been identified, any of which are equally valid in meeting the need to use one or more of these deterrents. Three are in use at ODU:

- ✓ Bandwidth shaping
- ✓ Traffic monitoring to identify the largest bandwidth users
- ✓ A vigorous program of accepting and responding to DMCA notices
- A variety of commercial products to reduce or block illegal file sharing

Old Dominion University has developed various network management strategies to balance the many and competing demands placed on network resources. Under provisions of the DMCA and as a matter of University policy, the University does not routinely search for illegal activity that may occur over its networks.

Bandwidth Shaping

ODU uses bandwidth-shaping technologies on its residential hall network to enable network administrators to ensure network access is available for purposes aligned with the University’s mission. (Other uses of the network, unless illegal or against policy, are permitted: students who live in the residence halls also have a landlord/tenant relationship with the University, and the network connection provided by the campus is akin to a commercial broadband connection available to students who live off-campus.) Such capacity management can have a deterrent effect on illegal file sharing when large files are involved.

Traffic Monitoring

Network administrators pay attention to network traffic as one method to manage the resource and ensure that bandwidth is available for academic, research, and administrative uses in alignment with the University’s mission. In the process, administrators identify anomalies in traffic, such as spikes in usage, and follow up as appropriate.

DMCA Notice Response

ODU implements an active program for responding to copyright infringement allegations. The ODU Digital Millennium Copyright Act (DMCA) Information web page, <http://www.odu.edu/oduhome/dmca.shtml> assigns roles and responsibilities at ODU and documents campus procedures for implementing the guidelines for complying with the DMCA. The campus meets the DMCA’s general eligibility requirements for liability shelter as a qualified provider of online services, including the identification of a Designated Agent that is on file with the U.S. Copyright Office.

When ODU receives DMCA notices of alleged copyright violation, it acts expeditiously to remove or block access to the allegedly infringing material. With respect to students: The University works notices through the Office of Student Conduct and Academic Integrity (<http://studentaffairs.odu.edu/oscai/>). DMCA notices fall under Section K of the Code of Student

Conduct, as listed under Student Disciplinary Policies and Procedures.

Blocking products

Old Dominion University does not sensor or monitor content except under specific, well-defined circumstances. Deployment of commercial products that filter network traffic to detect copyrighted material would be a violation of this practice and are not in use at ODU.

C. Community Education and Annual Disclosure to Students

ODU conducts an ongoing educational campaign to inform the campus community – especially students – about ODU’s commitment to upholding copyright law, deterring copyright infringement and compliance with legal and regulatory requirements. These educational activities, primarily driven by the division of Student Engagement and Enrollment Services, include the following:

1. **Annual MIDAS Training** - All computer resource users must take a Security Awareness training course that is tied to the retention of their accounts. Part of this training includes DMCA warnings and policy.
2. **Monarch Vision Cable TV Warnings** – Several Copyright Infringement warning ads run on the Monarch Vision Cable TV movie channel during the commercial breaks between movies.
3. **Student Orientation** – Illegal file sharing is addressed during new and transfer student orientation sessions. This is verbiage we use at every Freshman Orientation and on all our security documentation – “Most importantly, protect your future! The download of copyrighted music/video without purchase or authorization is illegal. Lawsuits have been filed against students at colleges and universities across the nation. Fines range from hundreds to thousands of dollars. Some fines are applied per song. During the last academic year, ODU has received several requests from organizations that protect copyrighted material for information on students. These are requests with which Old Dominion University must comply.”
4. **Faculty Orientation** - an ‘Obtaining Copyright Clearance’ module is provided in the ‘Faculty Orientation and Resources’ training offered by the ODU Center for Learning Technologies. (<http://clt.odu.edu/fofo/print.php?src=copyright>)
5. **Informational web sites** - The Residential Network (ResNet) prohibited activities web site (<http://occs.odu.edu/gettingconnected/resnet/prohibited.shtml>) list the unlawful distribution of copyrighted materials.
6. **Promotional activities.** DMCA warnings are placed in the labs in “mouse pads” insert windows. DMCA warnings are posted in Facebook, Twitter, and Axis TV.

7. Policy and Standards

Acceptable Usage Standard – 8.4.2 – Which reads, in part:
Unacceptable Behavior

The following actions are considered unacceptable behavior. Users may not:

- use information or resources for any illegal or unauthorized purpose or act to violate Federal, State or local laws or University policies;
- disrupt network services or tamper with software protections or restrictions.
- use copyrighted and licensed materials on ODU systems unless the ODU owns the

materials or ODU has otherwise complied with intellectual property laws governing the materials.

Residential Network Use Standard – 8.4.3 – Which reads, in part:

ResNet users are responsible for all activity originating from their assigned physical network hookup and authenticated network login, regardless of whether or not they generated it, are aware of the nature of the activity, or are aware of having violated any policy, standard or law. Users of the ResNet service must comply with all federal, state, university and other applicable laws and standards, and are expressly prohibited from:

- Running any type of server on the network, including but not limited to MP3, game, web, email and FTP servers.
- Disrupting or attempting to disrupt any kind of network service.
- Unlawfully downloading, distributing or duplicating copyrighted information, including audio, video, software and other data as expressly prohibited by University Policy, standards and Federal Copyright law.

Policy on the Use of Computing Resources – 3500 – Which reads, in part:

It is the responsibility of each individual to use information technology resources in an appropriate manner and to comply with any Federal, State, or local statutes as might apply to these resources.

Department of Human Resources Management Policies:

Policy Number: 1.75 – Use of the Internet and Electronic Communications Systems – Which reads, in part:

Prohibited Activities

Certain activities are prohibited when using the Internet or electronic communications. These include, but are not limited to:

- Any use that is in violation of applicable local, state, and federal law.
- Accessing, downloading, printing or storing information with sexually explicit content as prohibited by law (see Code of Virginia §2.2-2827)
- Accessing, uploading, downloading, transmitting, printing, posting, or storing fraudulent, threatening, obscene, intimidating, defamatory, harassing, discriminatory, or otherwise unlawful messages or images.
- Installing or downloading computer software, programs, or executable files contrary to the [Virginia Information Technology Agency's \(VITA\) Information Security Policy, Standards, and Guidelines](#).
- Accessing, uploading, downloading, transmitting, printing, communicating, or posting access-restricted agency information, proprietary agency information, sensitive state data or records, or copyrighted materials in violation of agency or state policy.
- Using proprietary agency information, state data or records, and social media to locate agency customers for personal reasons.
- Posting information or sending electronic communications such as email using another's identity.
- Permitting a non-user to use for purposes of communicating the message of some third party individual or organization.
- Posting photos, videos, or audio recordings taken in the work environment without written consent.
- Using agency or organization logos without written consent.
- Texting, emailing, or using hand-held electronic communications devices while operating a state vehicle according to the [Office of Fleet Management Services Policies and Procedures Manual](#).
- Any other activities designated as prohibited by the agency.

D. Legal Alternatives to Illegal File Sharing

ODU maintains the [Residential Network](#) web site, which gives general information about legal sources of digital entertainment (including pointers to lists of legal alternatives maintained by Illinois State University's BirdTrax and EDUCAUSE).

E. Campus Procedures for Handling Unauthorized Distribution of Copyrighted Material

See "DMCA Notice Response" in Section B.

F. Periodic Review of Plan and Assessment Criteria

ODU has traditionally used recidivism to roughly gauge the campus's overall program. Formal reviews of the program occur whenever legislative, regulatory or other events indicate this is appropriate.