



# Higher Education Opportunity Act Policy - unauthorized file sharing

## 1. Policy Purpose

This document defines the 3 regulations of the HEOA concerning illegal downloads. The Act was signed into law on August 14, 2008, by the Department of Education, and all colleges and universities are required to make a good-faith effort at compliance.

## 2. Policy Statement

It shall be the policy of the University of Arkansas-Fort Smith to adhere to the HEOA regulations concerning unauthorized file sharing as defined in this document.

## 3. Policy Applicability

This policy applies to all University employees, students, and anyone using the University network to access the internet.

## 4. Definitions

**HEOA** - Higher Education Opportunity Act

**Unauthorized file sharing** - The sharing and distributing of files illegally over a network or Internet. This is also known as illegal download and distribution of copyrighted materials.

## 5. Policy Procedure

Several sections of the HEOA deal with unauthorized file sharing on campus networks, imposing three general requirements on all U.S. colleges and universities:

1. An annual disclosure to students describing copyright law and campus policies related to violating copyright law – *IT will email an annual reminder to faculty/staff/students.*
2. A plan to "effectively combat the unauthorized distribution of copyrighted materials" by users of its network, including "the use of one or more technology-based deterrents". – *IT uses a next generation firewall configured to block unauthorized file sharing.*
3. A plan to "offer alternatives to illegal downloading". See [Legal Sources of Online Content](#)

## 6. Enforcement

**Faculty and Staff Handbook** – [Click Here](#)

**Student Handbook** – [Click Here](#)

**Penalties and Fines** - Copyright infringement can result in civil and criminal penalties with fines ranging from \$750 to \$30,000 per work infringed. See [Cornell Law School](#)

## 7. Policy Management



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This policy is managed by the IT department. The IT Director and appointed IT personnel are the primary administrators of this policy. The responsible executive is the VCFA.

## 8. Exclusions

None

## 9. Effective and Approved Date

This internal policy was approved by Terry Meadows – Director of IT/CIO on 8/29/2023

## 10. Last Updated

8/29/2023 – Partial data for this policy was gathered from the [Educause web site](#) & the [Cornell Law School web site](#)