

**The Lutheran University Association, Inc.
d/b/a Valparaiso University**

HEOA Copyright Infringement Compliance Plan

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. These provisions include requirements that:

- Institutions make an annual disclosure that informs students that the illegal distribution of copyrighted materials may subject them to criminal and civil penalties and describes the steps that institutions will take to detect and punish illegal distribution of copyrighted materials.
- Institutions certify to the Secretary of Education that they have developed and implemented plans to effectively combat the unauthorized distribution of copyrighted materials by users of the Institution's network, without interfering with educational and research use of the network, through the use of technology based deterrents.
- Institutions, to the extent practicable, offer alternatives to illegal file sharing.
- Institutions identify procedures for periodically reviewing the effectiveness of the plans to combat the unauthorized distribution of copyrighted materials, and make available the results of the review to its students through a Web site or other means.

Valparaiso University is committed to upholding U.S. copyright law. The initiatives at Valparaiso University relevant to the HEOA are described as follows in this plan.

1. Annual Disclosure

- The University will distribute a P2P File Sharing Student Disclosure Letter to all enrolled students. The letter will be provided annually through an email sent from the University Counsel's office.

2. Additional Methods of Informing Students of University Policy on P2P File Sharing

- In order to use the VU network, all members of the VU community, including enrolled and prospective students, agree to comply with any applicable VU computer use policy. Such policies can be found at <http://www.valpo.edu/universitycounsel/index.php> or in the Student Guide to University Life.

3. Effectively Combating the Unauthorized Distribution of Copyrighted Materials

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. They include:

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

VU currently utilizes a vigorous program of accepting and responding to DMCA notices. That program can be found at <http://www.valpo.edu/universitycounsel/index.php>.

4. Alternatives to Illegal File Sharing

EDUCAUSE maintains and periodically reviews a list of "Legal Alternatives for Downloading." A link to this list is provided to students as part of the annual disclosure and is located on the internet at: <http://www.educause.edu/legalcontent>.

5. Reviewing Effectiveness

Valparaiso University periodically reviews the effectiveness of this plan by reviewing the number of DMCA notices received each year and whether those numbers are increasing at an extraordinary rate. VU also considers the number of second time or continuous offenders in determining the effectiveness of this plan.