



## **Stanford University's Plan for Compliance with the File-Sharing Provisions of the Higher Education Opportunities Act**

### **1. Introduction**

The Higher Education Opportunities Act of 2008 required the Department of Education to develop regulations imposing obligations on universities relating to the effective enforcement of unlawful file-sharing on campuses. In October 2009, the regulations were finalized. *See* CFR 668.14(b)(30) and 668.42(a)(10), <http://edocket.access.gpo.gov/2009/pdf/E9-25373.pdf>. After review of these regulations, Stanford was satisfied that it already had in place each of the required mechanisms to deter unlawful file-sharing on campus. The purpose of this Plan is to capture in a single document Stanford's unlawful file-sharing enforcement efforts. This Plan is intended to satisfy CFR 668.14(b)(30)(i).

### **2. Stanford's Statement to Students (and the entire Stanford community) informing them about copyright law, unlawful peer-to-peer file-sharing and the consequences for violating Federal law and University policy.** *See* CFR 668.14(b)(30)(i)(B) and 668.42(a)(10).

2.1 Stanford annually provides all students, faculty and staff at Stanford, the Stanford Annual Copyright Reminder. (The current Copyright Reminder is located at [http://library.stanford.edu/libraries\\_collections/copyright\\_reminders/index.html](http://library.stanford.edu/libraries_collections/copyright_reminders/index.html).) Each fall, the University Librarian sends out an email to every [ ]@stanford.edu address introducing the Copyright Reminder and providing a link to it. This Copyright Reminder provides an overview of copyright law; it provides information regarding violations of federal copyright law; it provides information regarding the University's policies prohibiting unlawful use of copyright material; and it provides information regarding University administrative and disciplinary consequences to unlawful file-sharing.

*The Office of the General Counsel and the University Librarian are responsible for the annual distribution of the Copyright Reminder.*

2.2 Stanford will also make efforts to make information about unlawful file-sharing widely available to students, parents, faculty and staff. Stanford resources relating to copyright law and University policy include:

- for incoming students, Approaching Stanford, p. 69, [http://ual.stanford.edu/pdf/apsu\\_handbook2009.pdf](http://ual.stanford.edu/pdf/apsu_handbook2009.pdf))
- for parents of students, Parents' Guide, <http://parents.stanford.edu/guide/policies/#dmca>
- FAQ re DMCA and Copyright laws for students <http://rescomp.stanford.edu/info/dmca/>
- Provost's Letter to Stanford Community September 13, 2004 [http://www.stanford.edu/dept/legal/Worddocs/Provost\\_ltr.pdf](http://www.stanford.edu/dept/legal/Worddocs/Provost_ltr.pdf)
- Administrative Guide Memo 62 <http://adminguide.stanford.edu/62.pdf>
- The Stanford Bulletin, <http://www.stanford.edu/dept/registrar/bulletin/4774.htm>

### **3. Stanford's use of technology-based deterrents.** *See* CFR.14(b)(30)(i)(A).

3.1 Stanford uses packet-shaping software to limit the amount of peer-to-peer traffic that can be processed through the Stanford network.

3.2 In connection with the packet-shaping software, Stanford sends automatic Peer to Peer Traffic Advisory Notices to the top band-width users at the University on a rolling periodic basis. The Advisory provides information to the recipient about unlawful file-sharing and the consequences of unlawful file-sharing. A copy of an Advisory Notice can be viewed [http://www.stanford.edu/dept/legal/Worddocs/p2p\\_traffic\\_advisory.pdf](http://www.stanford.edu/dept/legal/Worddocs/p2p_traffic_advisory.pdf), and Frequently Asked Questions about the program are posted here, <https://www.stanford.edu/group/security/TA/FAQ.html>

*The Information Security Office is responsible for maintaining Stanford's technology-based deterrent program. Changes from the current program will be reviewed with the Office of the General Counsel.*

### **4. Stanford's Procedures for Responding to Complaints of Unlawful File-Sharing**

4.1 Stanford's Information Security Office has implemented an automated system to forward copyright complaints to the intended recipients of those complaints. The forwarding email includes information relating to the consequences of unlawful file-sharing.

4.2 Stanford's Information Security Office has implemented a process for potential imposition of administrative and disciplinary consequences for students engaging unlawful file-sharing. A copy of the Student DMCA policy is available, [http://www.stanford.edu/dept/legal/Recent/DMCA\\_Reconnect\\_fee\\_Final1007.pdf](http://www.stanford.edu/dept/legal/Recent/DMCA_Reconnect_fee_Final1007.pdf)

*The Information Security Office with support from Residential Computing, the Office of Judicial Affairs and the Office of General Counsel is responsible for the procedures for responding to complaints of unlawful file-sharing.*

## **5. Stanford's Review of Legal Alternatives & Directing Students to Legal Content**

In 2004 and 2005, Stanford actively investigated providing a hosted alternate source of music to our student population. After meeting with various service providers, Stanford entered into an agreement for Yahoo! Music to provide free services to Stanford students for two years, academic years 2005-06 and 2006-07. At the end of the Agreement, Stanford did not renew the contract. The adoption rate by Stanford students was low and by that time ruckus.com had opened up its services to all college students, without the need for a university agreement. Although ruckus.com is now out of business, Stanford finds that there is no need to enter an agreement with an alternate content provider because there are excellent websites offering free lawful content to the public like hulu.com and pandora.com. In its Copyright Reminder, Stanford directs students to those and similar websites.

*Annually in the development of the Copyright Reminder, the University Librarian with input from Residential Computing, will review legal content websites and, in the Copyright Reminder the University Librarian will recommend to students lawful content websites.*

## **6. Stanford's Ongoing Review of this Plan**

*Annually the Office of the General Counsel will convene a meeting with the Information Security Office, Residential Computing and the University Librarian to review the effectiveness of Stanford's efforts to combat unlawful file-sharing on its campuses. As appropriate, other offices, such as the Office of Judicial Affairs, may also be asked to participate.*