

# MARSHALL UNIVERSITY INFORMATION TECHNOLOGY COUNCIL

## PROCEDURE No. IT-20

### COPYRIGHT INFRINGEMENT COMPLAINTS

#### 1. General Information:

- 1.1. **Scope:** This policy applies to all university employees (faculty, staff, student, contract employee, or contract partner) and students who have access to the university information technology infrastructure.
- 1.2. **Authority:** Marshall University Information Technology Council
- 1.3. **Passage Date:** April 13, 2007
- 1.4. **Effective Date:** Upon passage
- 1.5. **Controlling over:** Marshall University and/or Marshall Community and Technical College
- 1.6. **History and Summary of Problem:** The digital environment in which we live has created many opportunities for faculty, staff and students to flourish in new ways. At the same time, it is also easier for the average person to obtain proprietary works illegally via the internet. In an effort to both protect our copyrighted content and ensure that we do not inadvertently (or overtly) violate the copyright of others, the Sub-Committee on Copyright revised [copyright guidelines](#) to assist in compliance.

At Marshall University, faculty, students and staff are required to follow Copyright and Intellectual Property policies and adhere to the guidelines for producing, using and sharing creative or educational works.

Marshall University recently received unwanted publicity as a result of being in the top 25 universities receiving copyright infringement complaints from the Recording Industry Association of America. While this publicity alone does not warrant a new policy it makes the issue ripe for policy and procedure application/modification.

University Computing Services conservatively estimates each violation/complaint received from the RIAA costs 1 to 2 hours of staff time to research, and hundreds of complaints have been received thus far this academic year, from the RIAA alone.

By establishing procedures to recover these costs and to alert all users that the University considers this a costly violation of the Acceptable Use, Copyright, and Intellectual Property Policies we will accomplish several desired outcomes:

- We reinforce the need to observe copyright law.
- We preserve bandwidth and network resources for the benefit of the entire community.
- We end subsidizing a costly activity and recover the costs from appropriate source(s)
- We should see a measurable decrease in complaints.

## **2. Procedure:**

### **2.1. Initial Triage**

Any complaints received at [abuse@marshall.edu](mailto:abuse@marshall.edu) will be forwarded through the Incident Response process and assigned a triage level of 1,2, or 3. Copyright infringement violations will normally be expected to be assigned a level 3 severity. The following procedure will be followed for level 3 copyright infringement complaints.

The individual responsible for monitoring messages received at [abuse@marshall.edu](mailto:abuse@marshall.edu), (and others) shall enter the incident into the Technical Assistance Tracking System including the entire content of the complaint if possible.

The ticket will then be referred to the Incident Response Triage group and assigned a severity level. Severity level 3 complaints will be referred back to the Help Desk for further processing.

### **2.2. Identification**

The first step is to identify the individual named in the complaint. This may be clear from an email reference or a name and the referral for adjudication can be made immediately. However, most complaints will only be a reference to one of our external IP addresses. In this case the Ticket needs to be forwarded to the networks and telecommunications group in order to identify the individual or computer. When identified, the username of the individual associated with the computer assigned the IP address during the complaint window of time will be entered in the ticket and transferred back to the Help Desk.

Upon receipt of the ticket the Help Desk will use Banner to connect the username to a name and student id and attach contact information to the ticket.

### **2.3. Immediate and Intermediate Actions:**

If this is a case of alleged infringement involving the internet, access to the internet by the computer identified in the complaint will be suspended pending adjudication.

If this is a case of alleged infringement involving the intranet, access to the intranet by the computer identified in the complaint will also be suspended pending adjudication.

### **2.4. Referral for adjudication**

Once the workstation and responsible individual is identified as faculty, staff or student the following referrals for adjudication of the complaint will be made:

#### **Students → Student Affairs**

The complaint will be referred to Student Affairs by referring the ticket to the appropriate tracking system agent located in student affairs with the following text:

“Computing Services has been notified by the (RIAA, NBC, etc.) of a complaint of copyright infringement against (insert student name and number). This student’s network connectivity to the internet from the computer identified in this complaint has been disabled until this can be adjudicated by you. (If this is

also an internal complaint insert the following sentence – “In addition, a complaint of infringement on the intranet has been made and access to the intranet has also been suspended”). The student’s internet (and intranet) connectivity will be re-enabled when Computing Services receives notification from your department that this issue has been resolved and any fees owed by the student are paid.”

A copy of the complaint and the referral text used above will also be emailed to the student at their Marshall University email address.

**Faculty → Academic Affairs**

The complaint will be referred to Academic Affairs or preferably by referring the ticket to the appropriate tracking system agent located in academic affairs.

“Computing Services has been notified by the (RIAA, NBC, etc.) of a complaint of copyright infringement against (insert faculty name and number). This faculty member’s network connectivity to the internet from the computer identified in this complaint has been disabled until this can be adjudicated by you. (If this is also an internal complaint insert the following sentence – “In addition, a complaint of infringement on the intranet has been made and access to the intranet has also been suspended”). The faculty member’s internet (and intranet) connectivity will be re-enabled when Computing Services receives notification from your department that this issue has been resolved and any fees owed by the faculty member are paid.”

A copy of the complaint and the referral text used above will also be emailed to the faculty member at their Marshall University email address.

**Staff → Human Resources**

The complaint... The complaint will be referred to Director, Human Resource Services or by referring the ticket to the appropriate tracking system agent located in Human Resource Services.

“Computing Services has been notified by the (RIAA, NBC, etc.) of a complaint of copyright infringement against (insert employee’s name and number). This employee’s network connectivity to the internet from the computer identified in this complaint has been disabled until this can be adjudicated by you. (If this is also an internal complaint insert the following sentence – “In addition, a complaint of infringement on the intranet has been made and access to the intranet has also been suspended”). The employee’s internet (and intranet) connectivity will be re-enabled when Computing Services receives notification from your department that this issue has been resolved and any fees owed by the employee are paid.”

A copy of the complaint and the referral text used above will also be emailed to the employee at their Marshall University email address.

## 2.5. Incident Closure

The incident may be closed when the following three tasks are completed and verified.

- The Help Desk has received notification from the appropriate department stating that:
  - the adjudication is complete and
  - it is recommended that fees be levied or not.
  
- Appropriate fees have been levied and collected based upon the recommendation of the appropriate department:
  - first offense reconnection fee - \$50
  - second offense reconnection fee - \$100
  - a fee for investigations exceeding 1 hour in cumulative effort - \$45/hour or fraction thereof.
  
- The block on internet and intranet access is restored.