

[Executive Committee – June 1, 2010. Academic Senate Debate Calendar August 30, 2010.]

{ **Note for Senate:** This is a proposal for revising University Rule 4-002, regarding use of University computer systems for illegal file-sharing. The original version of this was approved by the Senate November 2, 2009, but with concerns raised about certain aspects which led to a ‘friendly amendment’ and an understanding that the IT staff would work through those concerns and return with a revised version of the Rule. That commitment is now being carried out with this proposed revision. The previous concerns were about having students’ computer accounts cut off too easily with minimal proof of the accounts having been used for illegal purposes. The revision changes the process for reacting to incidents of illegal usage. The Senate Executive Committee both in 2009 and again in June 2010 concluded that this proposal is sufficiently academically significant so that it should be submitted to the Senate for approval (not merely information). If the Senate approves, the revised version of the Rule will take effect immediately. }

To: Academic Senate Office

From: The Office of Information Technology—contact Kevin Taylor 801-585-3314

Date: April 28, 2010

Enclosed, please find the proposed revised version of University Rule 4-002. This purpose of this Rule is to bring the University into compliance with the illegal file sharing provisions of the Higher Education Opportunity Act (HEOA).

In response to a request from the Academic Senate when it initially considered approval of this Rule in November 2009, it is proposed that Section C of this Rule be rewritten to address questions/concerns raised regarding the electronic process that may be followed by the University when performing responsibilities required by the HEOA. Specifically, the act requires the University of Utah to:

- Provide an annual disclosure informing students and other computer users of potential civil and criminal penalties; provides a summary of the penalties for violations of federal copyright law; and, a description of the University’s policies with respect to unauthorized peer-to-peer file sharing, including disciplinary actions.
 - We have implemented this provision by displaying the attached memo, “Illegal Sharing of Copyrighted Materials,” via the Campus Information System to all students, staff, and faculty.
- Develop plans to effectively combat the unauthorized distribution of copyrighted material, including through the use of a variety of technology-based deterrents and to suggest alternatives to illegal file sharing.
 - Note: We have complied with this provision by implementing technology deterrents in front of high risk areas including student housing and the open (unauthenticated) wireless system. Additionally, we have implemented a robust response process when we receive proper notification of a copyright infringement claim.

Also included in the Rule is the formalization of our copyright infringement claim process, as required under the Digital Millennium Copyright Act (DMCA). The University has complied

with the provisions of the DMCA since it became law. Section III(C) formalizes the requirements as a University Rule.

This Rule applies to all University of Utah students, faculty, and staff members.

Also included with this Rule is a sample memo that may be used to communicate with members of the campus community.

The proposed revised version of the Rule has been approved by Stephen Hess, Chief Information Officer. It was also reviewed and approved by the Campus Information Technology Council.

The President's cabinet reviewed and approved the proposal as well.

For further information, please contact Kevin Taylor at 801-585-3314.

Memorandum

To: Stephen Hess, Chief Information Officer
From: Kevin Taylor
Date: April 28, 2010
RE: Proposed University Rule 4-002 (P2P compliance with the HEOA Act)

Attached for your consideration and approval is a proposal for a revised version of University Rule 4-002 which brings the University into compliance with illegal file sharing provisions of the Higher Education Opportunity Act.

The Rule has been reviewed by the University Institutional Policy Committee (IPC), the Information Technology Council, the Office of General Counsel, and the campus Privacy and Security Office.

If you approve of this proposal, it will then be forwarded to the Academic Senate Executive Committee for its review. The Executive Committee will make a determination as to whether or not this Rule has academic impact and will forward it to the Academic Senate with its recommendation.

It is proposed that this Rule become effective immediately upon completion of the action of the Senate.