

University of Illinois at Urbana Champaign Copyright Compliance Statement

March 30, 2003

Implementation of University Copyright Policy Campus Statement Audience: Faculty, Staff and Students

The University of Illinois at Urbana-Champaign makes every effort to comply with laws and institutional policies on copyright and to encourage awareness within its community of both responsibilities and appropriate actions for compliance. This document outlines the ways the campus is complying with the University Copyright Policy. The University and this campus provide to the community several documents that outline copyright policies and practices. This Copyright Compliance Statement identifies these documents, reviews the processes and tools available at the University to promote compliance, outlines campus procedures for addressing copyright violations, and discusses ways the University fosters awareness and discussion of copyright issues and responsibilities.

Policy Area	Location and Description
<i>Copyright Compliance</i>	http://www.obfs.uillinois.edu/manual/central_p/sec19-8.html
<i>University General Rules – Article III on Intellectual Property</i>	http://www.uillinois.edu/university/policies/general.php#art3 <i>This University policy focuses on the protections and incentives to encourage creation and development of intellectual property including copyright.</i>
<i>Policy on Patents and Copyrights</i>	http://www.vpaa.uillinois.edu/policies/patents.asp?bhcp=1 <i>This University policy provides for a University Intellectual Property Committee to further the intent in Article III of the University’s General Rules to encourage creation and development of intellectual property.</i>
<i>Acquisition Policy For Operating Systems with Computers</i>	http://www.admin.uiuc.edu/CAM/CAM/vii/vii-b-12.html <i>This campus policy prohibits the unauthorized copying of computer software.</i>
<i>Academic Staff Handbook</i>	http://www.ahr.uiuc.edu/ahrhandbook/default.htm <i>See Chapter 5 regarding academic staff copyright issues and Chapter 6 regarding copyright clearance.</i>

<p><i>Handbook for Good Ethical Practice for Faculty and Staff</i></p>	<p>http://ethics.uillinois.edu/Handbook2-4-03.pdf Inadvertent or intentional sharing of copyrighted materials in digital or non-digital form may be prohibited by U.S. Copyright Law. It is the individual's responsibility to take the appropriate steps to ensure that digital and other materials in his or her possession have appropriate approvals or come under Fair Use provisions of Copyright Law, as well as to make reasonable efforts to prevent unauthorized access to such material, whether in digital or other form." This would include sharing copyrighted material inappropriately using technologies such as peer-to-peer file sharing</p>
<p><i>Student Code of Conduct</i></p>	<p>http://www.uiuc.edu/admin_manual/code at 33. I. G. "Computer-related infractions defined by applicable laws, contracts, or University policies (such as unauthorized use of computer licenses, copyrighted materials, intellectual property, or trade secrets)" This would include sharing copyrighted material inappropriately using technologies such as peer-to-peer file sharing</p>
<p><i>Guidelines for Electronic Reserves at the Library</i></p>	<p>http://www.library.uiuc.edu/administration/planningbudget/policies/electro_reserve.htm These Guidelines by the campus Library discuss copyright fair use issues and its impact on the Library's electronic reserves.</p>
<p><i>Copyright and Fair Use</i></p>	<p>http://www.cites.uiuc.edu/edtech/resources/copyright/ The Campus Information Technologies and Educational Services (CITES) organization provides links to various resources inside and outside the University on copyright and fair use issues, particularly as impacted by computer technologies.</p>

For convenience, all of these are accessible from the following site:

<http://www.cio.uiuc.edu/policies/copyright/copyright.html>

In addition, important changes to copyright law have recently occurred with the passage of the federal TEACH Act, which affects materials that are presented or accessed online, such as for distance learning. For more information, see:

<http://www.ala.org/washoff/teachsummary.pdf>

<http://www.utsystem.edu/ogc/intellectualproperty/cprtindx.htm#top>

<http://www.lib.ncsu.edu/scc/legislative/teachkit/>

The University is working on collateral material that will incorporate guidelines for compliance with the TEACH Act.

Traditionally, copyright discussions have focused on the role of faculty in the classroom and in the context of scholarship. With the rapid growth in online usage and the accessibility it brings, two quite different discussions have developed. The broad accessibility of course-related websites has brought renewed dialog about fair use, leading to some campuses (e.g. MIT), on the one hand, striving to making all online material available to the community at large and, on the other hand, the increased use of portals or other mechanisms, that limit outside access to campus or course material. It has also led to new legislation, such as the TEACH Act, that clarifies in some respects the responsibilities of the academic community who put materials online for distance education. At the same time, there have been more and more discussions relating to students sharing intellectual property, often music, using technologies, such as peer-to-peer file sharing.

While in some sense the *principles* of copyright are the same whether one is sharing materials on paper in the classroom or using electronic media, the ability to share so widely and often without substantial effort or thought does make a difference both in impact and perception. It can also make it easier for multiple instances of sharing (even inadvertently) to occur, which could potentially lead to increased legal penalties for actual violations or financial loss to the copyright holder. For these reasons, we believe it is important to ensure we have both effective educational efforts and processes for addressing any apparent or actual copyright violations by members of the community.

It is the current practice at Illinois to:

- Ensure student, faculty and staff are aware of copyright and related issues, including fair use of materials developed by others;
- Create tools and processes that help student, faculty and staff comply with copyright laws;
- Respond in a timely manner to complaints of copyright violations
- Foster discussion about copyright ethics and technology.

Ensure student, faculty and staff awareness of copyright and related issues

Students, faculty and staff are granted rights as owners of copyrighted material. The idea that copyright laws have both privileges and responsibilities needs to be stressed. Many, especially students, are unaware that the copyright laws provide benefit to them. Likewise, many are unaware of the mechanics of determining when copying is authorized such as analyzing the factors considered under fair use or making the appropriate contacts to obtain permission. Our educational effort should be on helping the campus community understand these issues while also understanding that there may be campus and legal consequences as a result of copyright violations.

Various University, campus and unit policies and guidelines are described at the beginning of this document. These policies and guidelines are intended to educate the University community about laws and University policies on copyright and the University's expectations regarding compliance with such laws and policies.

For example, one technology that has been widely used to disseminate material, including copyrighted material, is Peer-to-Peer (P2P) programs, such as Gnutella, KaZaa, or Morpheus. The campus does not treat the mere use of innovative technologies like P2P as *prima facie* evidence of

copyright violations or other wrongdoing. However, as these technologies are often distributed with filesharing “turned on”, we make efforts to notify the community both of their responsibility to turn this filesharing off and how to do so.

We do not in any way characterize or categorize the *content* of network or computer use, most especially in student residences where non-academic uses and academic uses are equally legitimate educational components of student life.

We do reserve the right to give priority to core campus services (e.g., official university web sites, email transport, learning management systems, or streaming from language learning labs) which may have the effect of limiting bandwidth for other purposes and to other sites.

Create tools and processes to promote or manage good copyright practices

The campus has tried to make copyright compliance easier. We have forged software licensing agreements which make compliance relatively inexpensive and relatively easy. Examples of these are:

- Microsoft Campus Agreement (Campus Stores)
- Registration of Software Licenses purchased through Campus Stores
- Microsoft Select Program (Campus stores)
- CITES Software WebStore

The Campus Information Technologies and Educational Services (CITES) organization by means of the CITES Security web pages include links which give directions on how to turn off file-sharing from programs like KaZaa or Morpheus.

<http://www.cio.uiuc.edu/policies/copyright/copyright.html>

Respond in a timely manner to complaints of copyright violations

Responsibility for responding to copyright issues is everyone’s responsibility. However, several units on campus have specific responsibilities, including the Dean of Students Office, the Office of the Vice Chancellor for Research, and CITES.

CITES Security investigates all legitimate complaints regarding online copyright violations. Many of these come at the request of the copyright holder or its agent while others are uncovered as part of routine traffic monitoring. Copyright violations may involve faculty, staff, or students.

Federal law requires that the University take action when notified by the copyright holder or its agent that someone on its network is distributing specific copyrighted materials.

CITES Security notifies the network administrator and unit head for faculty and staff and notifies the network administrator and student discipline office for students upon receiving a request that copyrighted information be removed. The machine is prohibited from Internet access until CITES Security has been notified that the copyrighted information has been removed and that appropriate disciplinary action has been taken by the unit head or student discipline office. Copyright violations may be the result of a compromised system, so CITES Security may request that the system also

be examined for compromises/unauthorized activities before further action is taken.

Subsequent copyright violations may result in termination of network and computer access and further disciplinary action as deemed appropriate by student discipline, personnel, or academic human resources. The University will not protect individuals who distribute copyrighted material without the appropriate approvals or licenses. Additionally, legal action may be taken against violators by the holder of the copyright or by the U.S. Department of Justice for the material that was found on a system connected to the University network.

To ensure the health of the network infrastructure, the network is constantly monitored. Because of their potential impact on network reliability, unusual network patterns are routinely investigated. In the course of these investigations copyright violations may be uncovered. In those cases, CITES and other campus units will take appropriate action. However, under university policy, we do not look for such violations either proactively or incidentally to other investigations.

A similar process of investigation and resolution is followed by the Dean of Students Office and the Office of the Vice Chancellor for Research in non-online cases of apparent copyright violations.

Foster discussion about copyright ethics and technology

The campus currently fosters discussion about copyright ethics and responsibilities by providing information on copyright in the orientation packages for new faculty, staff and students as well as posting various policies and guidelines including those described at the beginning of this document.

The campus is now discussing if there might be better or additional ways to foster discussions about copyright ethics and responsibilities. Options include:

- a series of forums that address copyright issues, including topics such as course packs, note-taking, fair use, software piracy, and Internet file sharing;
- creating online modules and in-person training targeted specifically to students and faculty on their responsibilities; and
- encouraging faculty to discuss these issues where appropriate in their courses.

The goal of these forums is to discuss concerns related to copyright, including ways to promote compliance with the law, while at the same time fostering the use of innovative technologies and protecting fair use. We also need to continually review our practices, since they may need to change as new technologies come into use. Working together, we can foster greater awareness and respect for, as well as shouldering of responsibilities towards, copyright laws and policies.