

In order to comply with state and federal laws concerning unauthorized distribution of copyrighted materials, the University of Tennessee, Martin campus (UTM) will take the following steps.

1. Use of one or more technology-based deterrents to unauthorized peer-to-peer file sharing.
 - *UT Martin uses packet-shaping technology in the form of a Packeteer packet shaper with policy in place to restrict P2P traffic.*
 - *Bit Torrent is blocked outright through the TippingPoint Intrusion Prevention System.*
 - *For faculty/staff/lab network, the Barracuda Web Filter appliances block access to websites for downloading P2P software.*
2. Notification to faculty, staff, students, and prospective students¹ that unauthorized distribution of copyrighted material may subject them to criminal or civil liability.
 - a. The notice should summarize the penalties for violation of federal copyright law (both civil and criminal) as per the below example.

Summary of Civil and Criminal Penalties for Violation of Federal Copyright Laws

Copyright infringement is the act of exercising, without permission or legal authority, one or more of the exclusive rights granted to the copyright owner under section 106 of the Copyright Act (Title 17 of the United States Code). These rights include the right to reproduce or distribute a copyrighted work. In the file-sharing context, downloading or uploading substantial parts of a copyrighted work without authority constitutes an infringement.

Penalties for copyright infringement include civil and criminal penalties. In general, anyone found liable for civil copyright infringement may be ordered to pay either actual damages or "statutory" damages affixed at not less than \$750 and not more than \$30,000 per work infringed. For "willful" infringement, a court may award up to \$150,000 per work infringed. A court can, in its discretion, also assess costs and attorneys' fees. For details, see Title 17, United States Code, Sections 504, 505.

Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five years and fines of up to \$250,000 per offense.

¹ A "prospective student" is defined as any individual who has contacted the University requesting information on admission.

For more information, please see the Web site of the U.S. Copyright Office at www.copyright.gov, especially their FAQ's at www.copyright.gov/help/faq.

See below for UTM actions.

- b. The notice should summarize the University's policies on unauthorized peer-to-peer file sharing including disciplinary actions taken against employees and students who engage in such activities using the University's IT system.

See below for UTM actions.

- c. Notice of the policies must be made individually on a one-to-one basis through an appropriate mailing or publication such as direct postal mail, campus mail, or email. Posting the information on a web site does not constitute notice. If the institution discloses the information by posting the information on a web site, it must include in the notice the exact electronic address at which the information is posted, and a statement that the institution will provide a paper copy of the information on request.

UTM will notify faculty, staff, students, and prospective students of file sharing concerns, making use of the above example text when summarizing penalties.

These notifications will take place as follows:

- *A brochure titled "A Guide to Copyright" has been created and distributed to faculty and staff throughout the UT Martin campus providing the details of what constitutes copyrighted material, as well as the penalties for illegal use of such materials.*
- *A brochure was produced and distributed to all incoming students in the fall of 2008 discussing the possible legal sanctions for illegal file sharing.*
- *The UT Martin Library offers periodic open sessions for faculty, staff, and students, discussing copyrighted materials, plagiarism and file sharing.*
- *The UT Martin Library maintains a website with multiple documents about copyright law as it pertains to university students.²*
- *The UT Office of Information Technology (OIT) maintains a website (<http://oit.utk.edu/copyright/>) with information on copyright infringement, including policies and consequences of copyright infringement.*
- *Counseling by either Student Affairs or Human Resources for students or employees involved in potentially illegal activity on the UTM IT system is required.*

² <http://www.utm.edu/departments/acadpro/library/tutorial/plagiarism>

- *Prospective students who contact the university via email or postal mail will have a notice provided that gives information on illegal file sharing and the associated penalties.*
3. Signs must be posted in appropriate locations that provide information on the University's policies for unauthorized peer-to-peer file sharing.

UTM displays signage in prominent locations around campus with information on unauthorized file sharing.

4. Procedures for handling illegal distribution of copyrighted material, including disciplinary procedures.

UTM has published procedures for discipline of faculty, staff, and students that perform illegal distribution of copyrighted material. (See Policy IT0110: Acceptable Use of Information Technology Resources)

5. Procedures for periodically reviewing and assessing the effectiveness of the plans using relevant assessment criteria. The assessment criteria can be either process based (e.g. best practices, agreed-upon approaches, models); or outcome based (e.g. reliable indicators of effectiveness.)

UTM will annually review the effectiveness of deterrent plans using the following criteria, and update them as needed.

- *Outcome-based criteria: UT Martin cites to its lack of RIAA notices of violations in the previous four years to indicate its policy is reasonably successful.*
 - *Process-based criteria: UTM developed detailed policies address the requirements of state and federal laws.*
6. Provide information to faculty, staff, and students on reasonable free or paid alternatives to illegal downloading (such as services that provide legal music and/or video downloads) through a website or other means.
 - a. There must be procedures for periodically reviewing and updating this information. Lists of alternatives created by other institutions, national associations, or commercial entities may be used if kept up to date.

UTM will point users to the EDUCAUSE page on "Legal Sources for Online Content" at <http://www.educause.edu/legalcontent>. This page is updated periodically, most recently in May 2010.