

# **UNLV Digital & Media Copyright Compliance**

## **Overview & Roles**

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# Overview

UNLV's Digital and Media Copyright Compliance process ensures that UNLV is in compliance with the copyright provisions of the Higher Education Opportunity Act (HEOA).

## About the Higher Education Opportunity Act (HEOA)

The HEOA was signed into law on August 14, 2008 and took effect July 1, 2010. Several sections of the HEOA deal with unauthorized peer-to-peer (P2P) file sharing on campus networks, imposing three general requirements on all U.S. colleges and universities:

- An annual disclosure to students describing copyright law and campus policies related to violating copyright law.
- A plan to "effectively combat the unauthorized distribution of copyrighted materials" by users of its network, including "the use of one or more technology-based deterrents."
- A plan to "offer alternatives to illegal downloading."
- UNLV provides the information on this page to ensure HEOA compliance.

## Technology-Based Deterrents

To meet the HEOA requirement of a "technology-based deterrent," UNLV employs a vigorous program of accepting and responding to Digital Millennium Copyright Act (DMCA) notices.

## UNLV Procedures for Responding to DMCA Notices

1. A DMCA complaint is received by the UNLV Information Security Office
2. The complaint is recorded and forwarded to the appropriate system administrator for investigation
3. The system administrator identifies the computer and user involved with the complaint
4. An action is taken based on the number of complaints received for identified user:
  - a. **First offense:** An e-mail notification of suspected copyright violation is sent to user.
  - b. **Second offense:** The user is required to meet in-person and sign acknowledgement form.
  - c. **Third offense:** The user is forwarded to the appropriate group for disciplinary action. The user is required to attend a law enforcement education session.
  - d. **Beyond third offense:** Additional offenses will be forwarded for further disciplinary action.

## Education and Annual Disclosure

UNLV will regularly notify each student of UNLV's policies and procedures on combating illegal file sharing. In addition to these periodic notifications, UNLV will conduct education campaigns aimed at reducing illegal file sharing.

# Roles in the Process

- [IT Security Office](#)
- [OIT Help Desk](#)
- [OIT Operations Center](#)
- [OIT Desktop & Field Services](#)
- [DMCA Compliance Liaison](#)
- [Office of Student Conduct](#)
- [Adjunct Network Point of Contact](#)
- [ResNet](#)
- [Human Resources](#)
- [General Counsel](#)

# IT Security Office

## Role in the Process

The OIT Security Officer receives a DMCA notification from a representative of the copyright holder. Security Officer sends information via e-mail to IT Help Desk.

## Point of Contact

The IT Security Office is the point of contact for the following:

- Organizations reporting copyright infringement
- Law enforcement

# OIT Help Desk

## Role in the Process

The OIT Help Desk receives an e-mail from the Security Officer with the DMCA complaint information. The help desk converts the e-mail to a help request and assigns the request to the OIT Operations Center (OC).

## Explaining the Process

If asked by users, the help desk staff should be able to explain how we receive DMCA complaints and the general procedures for following up on complaints.

## Assisting Users

The help desk should be able to assist users of state-owned machines with the removal of file-sharing software and files that violate copyright law. For personal computers, the help desk should refer users to the instructions on removing file-sharing software located on the OIT website at <http://oit.unlv.edu/p2p>.

The help desk should also work with users that have been denied network access due to copyright violations. When a blocked user contacts the help desk, the help desk will review a list to see why the user is blocked.

# OIT Operations Center (OC)

## Role in the Process

### Processing Request and Identifying Network

The OC processes the help request, It is then determined if enough information has been provided to move forward. If enough details were provided, the OC determines the network on which the violation took place.

### Identifying the User

The OC then begins the process of identifying the user associated with the DMCA violation. This may involve working with Desktop & Field Services or the adjunct network point of contact. Once the user is identified, the help request is updated and information forwarded to the DMCA Compliance Liaison (DCL).

### Revoking of Network Access

Under the direction of the DCL, OC will coordinate revoking of network access. This generally involves UNLV Wireless and ResNet access.

# **Desktop & Field Services (DFS)**

## **Role in the Process**

The Operations Center may assign DFS a help request to further investigate the computer and user associated with a DMCA notice. DFS reviews the help request and adds a technician.

The DFS technician then begins process of identifying the user involved with alleged copyright violation. Once finished, the DFS technician will update the help request.

# DMCA Compliance Liaison

## Role in the Process

### Responsible for Process

The DMCA Compliance Liaison (DCL) has overall responsibility for the process. They ensure that each person involved in the process understands and fulfills their role.

### Communication with Users

The DCL serves as the liaison for all customer communication through the second violation. Beyond the second violation, the DCL passes information to the Office of Student Conduct, General Counsel or Human Resources.

### User Loss of Network Access

Any activity that results in the user losing network access will be coordinated by the DCL.

### Verification of Findings

The DCL verifies all findings prior to any contact with user. This may involve working with adjunct network point of contacts, the OIT Operations Center (OC) or Desktop & Field Services (DFS).

## Point of Contact

The DMCA Compliance Liaison is the point of contact for the following:

- Listed in all the e-mail notifications to users
- General inquiries
- If a user needs to prove ownership of content

# Office of Student Conduct (OSC)

## Role in the Process

The DMCA Compliance Liaison will forward information to the Office of Student Conduct for students that are responsible for three or more DMCA violations.

The Office of Student Conduct will proceed with their normal student judicial process. The student may be required to attend a copyright education session. Once the student judicial process is complete, the Office of Student Conduct will update the DMCA Compliance Liaison.

## Contacting Supervisors

Any time a supervisor is to be contacted, that effort will be coordinated by the DCL and Office of Student Conduct.

## Unresponsive and Uncooperative Users

Student Conduct may provide assistance to the DMCA Compliance Liaison when dealing with students that do not respond to communications.

## Office of Student Conduct Judicial Process (per Phil Burns, 2/22/12)

1. Using the protocols and procedures outlined in the UNLV Student Conduct Code, OSC will contact the student to inform them of the alleged charges, with accompanying information on the necessity to meet with OSC.
2. The student will meet with OSC and resolve the case through the Code process (dismissed, informal resolution, or formal resolution).
3. For all students who either accept responsibility or are found responsible for violations, OSC will confer appropriate administrative and educational sanctions, including but not limited to:
  - a. conduct warning or probation
  - b. community restitution service
  - c. reflection letter of understanding
  - d. restriction and/or loss of privileges (temporary or permanent)
  - e. completion of a "Understanding Computer Misuse and Piracy" seminar designed to educate students on the dangers and implications of illegal file sharing.
4. OSC will share information as appropriate with the appropriate UNLV office(s) as to both the findings and completion of assigned sanctions in any related case.

# Adjunct Network Point of Contact

## Role in the Process

Once receiving a request to determine a user, the adjunct point of contact will review the information, attempt to identify the user and update the DMCA Compliance Liaison via e-mail.

## Information You Need

- Complaint has been received that originated from your network
- What the OIT role is in this process
- What we are asking the user to do
- What happens with a positively identified user
- Who their user should contact if they have questions

## Denying Access to Unresponsive Users

The adjunct network point of contact will work with the DMCA Compliance Liaison on a case-by-case basis to deny network access to users who do not respond to e-mails or other contact. Human Resources and General Counsel may also be involved in this process for classified staff and professional employees, respectively.

# ResNet

## Role in the Process

Once receiving a request to determine a user, a ResNet representative will review the information, attempt to identify the user and update the DMCA Compliance Liaison (DCL) via e-mail.

### **No positive identification of the user:**

ResNet representative notifies DCL that user was unable to be identified. DCL updates the help request.

### **Positive identification of the user:**

The ResNet representative determines the course of action by looking at previous offenses associated with the user.

### **If the user has no previous offenses:**

The ResNet representative will contact the user and conduct education on copyright laws and policies. The user signs the DMCA Copyright Agreement. The ResNet representative will then update the DCL via e-mail.

# Human Resources

## **Role in the Process**

After three or more offenses by a classified employee, the DMCA Compliance Liaison will inform Human Resources (HR). HR will contact the employee and take appropriate action. The employee may be required to attend a copyright education session. Once their process is complete, HR will update the DMCA Compliance Liaison.

## **Contacting Supervisors**

Any time a supervisor is to be contacted, that effort will be coordinated by the DCL and Human Resources.

## **Unresponsive and Uncooperative Users**

HR may provide assistance to the DMCA Compliance Liaison when dealing with classified employees that do not respond to communications.

# General Counsel

## **Role in the Process**

After three or more offenses by a professional employee, the DMCA Compliance Liaison will inform General Counsel. General Counsel will contact the employee and take appropriate action. The employee may be required to attend a copyright education session. Once their process is complete, General Counsel will update the DMCA Compliance Liaison.

## **Contacting Supervisors**

Any time a supervisor is to be contacted, that effort will be coordinated by the DCL and General Counsel.

## **Unresponsive and Uncooperative Users**

General Counsel may provide assistance to the DMCA Compliance Liaison when dealing with professional employees that do not respond to communications.