

MEMORANDUM
April 17, 2007

TO: Campus Community

FROM: Carl Whitman
Associate Vice President for Information Technology and
Chief Information Officer

SUBJECT: Executive Order 999 – Illegal Electronic File Sharing and Protection
of Electronic Copyrighted Material

Recently, the recording industry launched a new anti-piracy initiative aimed at college and university campuses that significantly expands the scope and volume of its deterrent and legal enforcement efforts. The outcome of this stepped-up legal action against individuals can include criminal penalties for copyright infringement and substantial fines, or both.

On March 7 the Chancellor's Office of the CSU issued Executive Order 999 (<http://www.calstate.edu/EO/EO-999.html>) formally stating the university's policy on illegal electronic file sharing and protection of electronic copyrighted material, including, but not limited to music, videos, motion pictures, and Internet accessible content. Note, too, that on September 17, 2004 Governor Schwarzenegger issued State of California Executive Order S-16-04 prohibiting the use of state resources to illegally download copyrighted material.

Please be aware that it is the policy of the California State University to use any and all information technologies in a manner consistent with the collective bargaining agreements and federal copyright protection regulations, including the Digital Millennium Copyright Act of 1998. Use of any university resource such as computers (hardware or software), network connections, servers, routers, facsimile machines, copy machines and other electronic equipment by any faculty, student, staff or member of the general public to circumvent legitimate copyright protections or illegally access, copy or disseminate copyrighted material is unauthorized.

Although peer-to-peer file sharing programs such as Kazaa and LimeWire can be used for legitimate purposes, they can also be used to distribute music and video content in violation of copyright law. To encourage students to avoid this exposure, CSU has partnered with the online music service Ruckus to allow free and legal music downloads from the Ruckus library of over 2.5 million songs for

all students. This service was announced to students on the CSU Stanislaus campus March 27, with instructions on how to sign up for the service.

For your background information, the process followed by the Office of Information Technology when it receives a Digital Millennium Copyright Act infringement notice is as follows:

1. Analyze the provided network address information to determine if the identity of the person involved can be established.
2. Temporarily disable the network port of the user and immediately contact the individual to explain the situation.
3. In the case of students, OIT notifies Student Affairs, which in turn contacts the student. If the alleged infringing recording exists as described in the DMCA notice, the user is requested to remove it.
4. In the case of a staff or faculty member, a similar process is carried out directly by OIT.
5. Upon verification that the recording has been removed, the network port is reactivated.
6. Written notification of the resolution of the complaint is provided to the appropriate campus office based on the status of the individual: Student Affairs, Department Manager or Provost.
7. Individuals found to have violated university / CSU policies or Title 5 of the California Code of Regulations may be subject to disciplinary proceedings in accordance with the student Code of Conduct and CSU policy.

The latest action being taken by the recording industry goes beyond the procedures described above and potentially exposes members of the CSU community to personal lawsuits. CSU will comply with all lawfully executed subpoenas requesting personal identification information. We will not disclose any personal information without appropriate legal authority to do so.

If you have any questions regarding CSU policy or procedures relating to this issue, please feel free to contact me directly.