

# DEPAUL UNIVERSITY

---



## Digital Millennium Copyright Act (DMCA) Response

**Category:** Operations

**Responsible Department:** General Counsel

**Responsible Officer:** Vice President and General Counsel

**Effective Date:** 3/14/2016

---

### Policy Summary

---

All DePaul University network users must comply with applicable Federal and state copyright laws. If it is established that a specific DePaul network user has engaged in copyright infringement, the University will take judicial or disciplinary action consistent with the Code of Student Responsibility or the Progressive Discipline Policy, as appropriate. In addition to any action taken internally by the University, copyright infringers may also be subject to various civil and criminal penalties.

---

### Scope

---

This policy affects the following groups of the University:

- Entire University Community

This policy affects all members of the University Community, as well as other users of the DePaul University computer network.

---

### Policy

---

Pursuant to the Higher Education Opportunity Act (HEOA), DePaul has implemented a vigorous program of accepting and responding to notices of copyright infringement received in accordance with the Digital Millennium Copyright Act, 17 U.S.C. 512 (the 'DMCA').

A copyright owner who believes that a DePaul University network user has infringed on his/her copyright(s) should notify the university's Designated Agent, preferably by email:

Jose D. Padilla  
Vice President and General Counsel  
E-Mail: [abuse-dmca@depaul.edu](mailto:abuse-dmca@depaul.edu)  
Phone: (312) 362-8590  
Fax: (312) 362-5664  
Mail: 1 East Jackson Boulevard

DePaul University  
Chicago, IL 60604

Upon receiving a complaint of alleged copyright infringement occurring on the university's network(s), DePaul will promptly disable network access to the computer identified in the complaint and initiate an investigation. DePaul will require assurance that the computer identified in the complaint is free of infringing material prior to restoring network access to that computer.

Per the [Acceptable Use/Network Security Policy](#), all DePaul University network users must comply with applicable Federal and state copyright laws. If it is established that a specific DePaul network user has engaged in copyright infringement, the university will take judicial or disciplinary action consistent with the Code of Student Responsibility or the Progressive Discipline Policy, as appropriate. In the case of repeat infringers (network users determined to have engaged in copyright infringement three or more times), disciplinary action will include permanent loss of personal internet privileges at DePaul.

In addition to any action taken internally by the University, copyright infringers may also be subject to various civil and criminal penalties.

---

## **Procedures**

---

### ***How to Notify DePaul of Copyright Infringement***

- In order for DePaul University to take action, a notice of infringement must be submitted in writing to DePaul's [Designated Agent](#). The notice must include all of the information requested below.
- Identify the copyrighted work that allegedly has been infringed. If multiple copyrighted works at a single on-line site are involved, please provide a list of the works on that site.
- Describe the material that is claimed to be infringing and provide sufficient information to permit DePaul University to locate that material.
- Provide your contact information, including an address, telephone number, and, if available, an e-mail address.
- Certify or include a statement that the complainant has a good faith belief that the use of the copyright-protected material in the manner complained of is not authorized by the copyright owner, the owner's agent or law.
- Certify that the information that you have provided DePaul University is accurate.
- The complainant should attest under penalty of perjury that s/he is authorized to enforce the copyrights that have allegedly been infringed upon. Include a physical or digital signature of the copyright owner or person authorized to act on behalf of the owner.

### ***Information Services/CSRT Response Procedures***

- A report of an alleged copyright violation is received via [abuse-dmca@depaul.edu](mailto:abuse-dmca@depaul.edu).
- DePaul's Computer Security Response Team (CSRT) will send an initial response to the complaining party acknowledging receipt of the report within three (3) to five (5) business days.

- A CSRT security analyst will determine whether network activity occurred during the timeframe stated in the report and will attempt to identify a specific user assigned to the IP address identified in the report.
- If unable to identify a specific network user associated with the IP address during the timeframe stated in the report, CSRT will inform the complaining party accordingly and ensure that any copyrighted information is removed from the computer in question, if the computer can be identified and is owned by DePaul.
- If able to identify a specific DePaul network user associated with the IP address during the timeframe stated in the report, CSRT will proceed as follows:
  - CSRT will log the report in the incident database and generate a request to deactivate network connectivity for the computer identified in the report.
  - If the network user is a DePaul student, CSRT will notify the Dean of Students (or designee). If the network user is a DePaul staff member, CSRT will notify the Employee Relations Director. If the network user is a DePaul faculty member, CSRT will notify the appropriate Dean.
  - CSRT will coordinate the restoration of the user's network connectivity upon notice from the appropriate party that any infringing content has been removed from the user's computer.

### ***Student Affairs Response Procedures***

- The Dean of Students Office receives a report from CSRT that a student network user has engaged in an apparent violation of the [Acceptable Use/Network Security Policy](#).
- The student's conduct will be addressed as follows:
  - 1<sup>st</sup> violation** - The student will be contacted by the Dean of Students (or designee) regarding the consequences of illegal downloading, including internal disciplinary measures and the various civil and criminal penalties available to copyright owners by law. The student will receive an educational resource as a takeaway.
  - 2<sup>nd</sup> violation** - Sanction of at least a 1 year suspension of personal internet privileges at DePaul
  - 3<sup>rd</sup> violation** - Sanction of at least a permanent loss of personal internet privileges at DePaul
- To have internet access restored following the first offense, the Dean of Students Office provides the student the following instructions:
  - Delete any software applications used for illegal downloading
  - Delete any copyrighted material that has been downloaded illegally
  - Email Dean of Students (or designee) confirming that the infringing items have been removed from the student's computer
- Following receipt of the student's email, the Dean of Students Office will notify CSRT that internet access may be restored to the student's computer.

### ***Office of Human Resources Response Procedures***

- The Employee Relations Director receives a report from CSRT that a DePaul staff member has engaged in an apparent violation of the [Acceptable Use Policy/Network Security Policy](#).
- The Employee Relations Director notifies the staff member's supervisor who, in turn, notifies the staff member.
- The staff member's conduct will be addressed pursuant to the [Progressive Discipline Policy](#). The staff member will be directed to remove any infringing material stored on his/her computer, as well as any unauthorized peer-to-peer file sharing applications. The staff member must promptly notify the Employee Relations Director and his/her supervisor once this process is complete. The Employee Relations Director will, in turn, notify CSRT.
- In consultation with the Employee Relations Director and the staff member's supervisor, CSRT will require assurance that any infringing material has been removed from the staff member's computer prior to restoring the staff member's network connectivity.

### ***Academic Affairs Response Procedures***

- The Dean of a College or School receives a report from CSRT that a DePaul faculty member has engaged in an apparent violation of the [Acceptable Use Policy/Network Security Policy](#).
- The Dean notifies the faculty member.
- The faculty member's conduct will be addressed pursuant to the Faculty Handbook.
- The faculty member will be directed to remove any infringing material stored on his/her computer, as well as any unauthorized peer-to-peer file sharing applications. The faculty member must promptly notify the Dean once this process is complete. The Dean will, in turn, notify CSRT.
- In consultation with the Dean, CSRT will request assurance that any infringing material has been removed from the faculty member's computer and will coordinate the restoration of the faculty member's network connectivity.

---

## **Divisional Collaborations**

---

Information Services  
 Student Affairs  
 Human Resources  
 Academic Affairs

---

## **Contact Information**

---

***Information Services*** (312) 362-8765 (x28765)

***Dean of Students Office*** (773) 325-7290 (x57290)

***HR/Employee Relations*** (312) 362-8506 (x28506)

***Office of the General Counsel*** (312) 362-8865 (x28865)

---

## **Appendices**

---

[DMCA Response Plan](#)

***Information Services***  
(312) 362-8765 (x28765)

Technical questions, including how to remove peer-to-peer file sharing software from your computer

***Dean of Students Office***  
(773) 325-7290 (x57290)

Questions or concerns regarding the student judicial process

***HR/Employee Relations***  
(312) 362-8506 (x28506)

Questions regarding the Progressive Discipline Policy

***Office of the General Counsel***  
(312) 362-8865 (x28865)

Questions about copyright law and/or the Digital Millennium Copyright Act

---

## **History/Revisions**

---

Origination Date: 01/22/2003

Last Amended Date: 03/14/2016

Next Review Date: N/A