



Policy on the Ethical Use of Technology

Loyola University takes its identity from the educational traditions of the Society of Jesus and the Sisters of Mercy. Fundamental to these traditions is a strong commitment to academic excellence, values, integrity, service and ethics. This ethics section is presented in the spirit of aiding you in understanding these issues in a rapidly changing and complex environment.

Respect for Copyrighted Material

Students, faculty, staff and administrators need to understand the principals and intent of the United States and International copyright laws as they pertain to protecting artistic and literary works. People who understand the concept of copyrights would not think it appropriate to make two hundred copies of a current, best-selling novel and sell it or give it away. The same applies to downloading music, video and games. Copyright laws are intended to encourage current and future creation of artistic works by protecting the rights of the original creator to enjoy the potential of financial gain resulting from their efforts. But what qualifies as a protected work under current copyright law? The following, from the University of Texas, Office of Legal Counsel, may help to clarify the types of works which qualify for protection and those which do not.

“Examples of copyrightable expression, assuming they are original, could be: poetry; prose; computer programming; artwork; musical notation; recorded music and/or song; animations; video footage; Java applets; a Web page; architectural drawings; and photographs. Examples that do not qualify as copyrightable expression: mere facts; exact duplications of public domain works; ideas; systems; works created by employees of the Federal Government; titles and short phrases; logos and slogans; and forms that only collect information (rather than provide information).”

With the technological advancements in the ability to create, copy, and distribute artistic works, it has become increasingly difficult to protect the rights of original creators. In 1998, the “Digital Millennium Copyright Act” (DMCA) became law. This legislation attempts to address the issues which surround the creation, copying, and distribution of copyrighted material in digitized form, and clearly states allowable penalties, both civil and criminal, for those who are proven to be in violation of the law.

During the next few years, technology continued to advance and the ability to copy and distribute digital works via the Internet became widely available to the public. Under terms of the DMCA, a “take-down” process was defined which provided guidelines for Internet Service Providers (ISPs) to remove copyrighted material from availability on their networks and/or servers once notified of its presence.

On January 21, 2003, a Federal District Court ruled that, if properly subpoenaed, a public or private entity serving as an ISP for Internet services must disclose the full identity of violators of the DMCA. A motion to execute a stay of the decision pending an appeal to the U.S. Supreme Court was denied by a

separate District Court hearing. With this ruling, watchdog groups such as the Recording Industry Association of America stated that they intend to bring suit against violators and have done so. Penalties allowed under the DMCA are quite severe. Distribution of copyrighted works for personal monetary gain can result in criminal prosecution and carries a fine of \$500,000 and up to five years in prison for a first offense. Subsequent offenses are double that penalty. In addition, civil action can be pursued by a claimant, which, if proven in court, can result in nearly unlimited damages being assessed against a defendant.

In short, you are in violation of the DMCA regulation if you download and/or distribute, any music, video, movie, commercially marketed computer game, computer software or other artistic work without the express permission of the copyright owner and you are subject to civil, and possibly criminal, prosecution. If you use Kazaa, Gnutella, or other peer-to-peer software to share these protected works or maintain publicly accessible shared folders on your system containing copyrighted works, the Recording Industry of America, the Interactive Digital Software Association and other watch-dog organizations are actively scanning Internet traffic to detect possible violations of the DMCA. The University is legally bound to disclose the identity of violators when these organizations request it.

Computer Ethics

The Loyola University statement on computer ethics (as adapted from George Washington University's statement on computer ethics): In an academic environment, it is generally desirable for computer users to learn about the workings of the computer system. Since many users are dependent on the system, this is an area where learning must be accompanied by caution and integrity. With the pervasiveness of the Internet, these guidelines pertain to both campus and global facilities.

Although normal and prudent measures are taken to provide computer security, a more restrictive security system might violate the educational goals of the University. Thus, the major security system at Loyola lies not in the computer system but in the people.

In keeping with the ideal that academic interest ceases when it invades the privacy of others or becomes an irresponsible use of a resource, the following guidelines are presented. It is considered unethical to:

- Use computer accounts other than the ones assigned to you, or allow anyone else to use your accounts.
- Inspect data or functions which are neither allotted to the user's account nor specified as public.
- Use Loyola's computing facilities for personal profit aside from the normal course of instruction, academic research or administrative functions.
- Modify data not specifically assigned to or created by the modifier.
- Destroy data or property that is not owned by the destroyer.
- Use another person's programs or data without their permission.
- Send or make available for viewing obscene, vulgar or indecent messages.
- Post on any Web site or distribute e-mail containing verbiage, image, or caricature of an offensive, libelous or slanderous nature.

- Abuse or improperly use hardware or public software.
- Commit any other act that is irresponsible or infringes upon the rights of others.

Willfully violate federal copyright laws by distributing or making available for access any copyrighted work or image without the consent of the owner, unless the action qualifies for exception under the fair usage guidelines.

Violate regulations as stipulated in the Family Education Rights and Privacy Act as amended in 1974 (Buckley Amendment*) with regard to the release of confidential information to a third party. Employees seeking clarification or interpretation of the law can receive guidance from the Records Office.

* The Buckley Amendment states that no personally identifiable information in education records other than “directory information” be released to third parties without the written consent of the student. Requests for any information regarding a student including directory information should only be processed by the Records Office.

Audio/Video Ethics

In addition to providing computing resources and network connectivity to the University community, Loyola also provides closed circuit television and a campus radio transmission capability. These resources are provided to enhance the academic environment and improve the quality of life for resident students. It is expected that appropriate consideration be given to the legal and ethical use of these technologies.

Loyola may restrict computer, telephone and/or network access for those users found abusing the services provided. Users who violate these guidelines are subject to disciplinary action up to and including expulsion for students or termination for employees. Students should refer to the Community Standards Handbook for more information.

It is considered unethical to:

- Transmit copyrighted audio or video works without consent of the owner.
- Transmit audio or video clips of a personal nature which may infringe on the privacy of another individual.
- Transmit audio or video works of a vulgar, indecent, or obscene nature.

Telephone Ethics

It is considered unethical to:

- Make, send or record obscene or vulgar messages.
- Use PhoneMail for solicitation of any activity other than University-approved programs.
- Delete or forward messages that do not belong to you.
- Abuse, damage or improperly use the equipment provided.

- Violate provisions as stipulated in Maryland Code, Article 27, Section 555A. (A copy of this code is available from the Loyola Notre Dame Library.)

Supporting Policies

- Loyola Policy on Illegal File-Sharing