

February 13, 2009

John Stein, Dean of Students
Student Services Building, Suite 210

Dear Mr. Stein:

On January 29, 2009, I received an email from the Office of Information Technology (OIT) that said, "Georgia Tech has received a complaint stating that your system is distributing or downloading copyrighted materials on the Georgia Tech network." The IP address of the system said to be distributing or downloading the copyrighted materials was not mine but that of a server owned by my fraternity. Even though I could not have personally committed the violation as I was out of town for the break, I was declared responsible as the House Technical Advisor for my fraternity. Upon receiving notice of the complaint, I discussed the situation with my fraternity, and we came up with a solution to prevent the situation from happening again and sent the proposed solution to OIT. Unfortunately, because I had two previous infractions, this case was sent to the Office of Student Integrity before I could even discuss the situation with OIT. The Student Conduct Administrator who heard my case decided that I was guilty of violating the Student Code of Conduct. The sanctions that have been imposed upon me are Disciplinary Probation and a paper on "Legal Issues in Downloading." Section D.5 of the Student Code of Conduct (which will hereafter be referred to as the SCC) states under Administrative Resolution for Low Level Cases, "The Accused, after being notified of the Student Conduct Administrator's decision, may submit an appeal to the Dean of Students according to appeal procedures described in Section G." I am appealing this decision based on the reason listed in the SCC section G.1.c: "To determine whether the Sanctions and Supplementary Requirements imposed were appropriate for the violation for which the Student was found responsible." I intend to prove that no actual violation of the SCC occurred, therefore, neither Disciplinary Probation nor a Disciplinary Warning are warranted. In addition to this, I plan to prove that regardless of whether or not a violation of the SCC occurred, the assigned paper is superfluous and unnecessary for my particular situation.

The particular violation that I am being charged with is under the Student Code of Conduct section C.18, "Violation of the Georgia Institute of Technology Computer and Network Usage and Security Policy" (which will hereafter be referred to as the CNUSP). It would appear I am being charged with violating the CNUSP section 3.1.2, intellectual works and copyrights, that states, "Users are prohibited from unlawfully installing, using, inspecting, copying, storing, or distributing copyright-protected material (e.g. computer programs, movies, television programs, music) on GIT owned systems or on the GIT network" as the initial complaint was regarding the illegal download or distribution of a music album, however, this cannot be as I committed no such violation. The distribution of said album allegedly occurred on December 29, 2008, at which point I was more than 300 miles away from campus! With this being the case, and as I have not so much as even been accused of personally participating in the distribution, the only thing that could link me to this section of the policy is my role as a House Technical Advisor (HTA) for

my fraternity.

According to Eastnet's webpage, the duties of the House Technical Advisors are as follows:

- Managing who can register for the building (i.e. list residents)
- Managing the special IPs for the building
- Specify/delete HTAs
- Assist with START registrations
- Act as a liaison to OIT
- Provide first level of problem resolution

When I inquired from OIT as to why I was being held solely responsible when I was not the only HTA, I was informed that it was because I was the one who had entered the configuration for the server. For the purposes of this appeal, I attempted to find the official policy that supports this claim. In my search, I could not find an official, written policy from OIT concerning HTAs, and the only person at OIT who could confirm or deny this (John Douglass) has been unavailable this week as he is on vacation. All I could find is a single line on the registration page for a server port that says, "As an HTA, you will be responsible for any issues, infractions, and support for these computers." In registering the server port, I agreed to this, however, even if I am responsible for the infraction, that is not the same as if I had committed the offense. Being responsible for an infraction means that if one occurs, I am the person who has to communicate with OIT on behalf of the fraternity and ensure that action is taken to rectify the situation. When I received the notice from OIT, I immediately forwarded the notice to all the members of my fraternity so we could discuss a solution to ensure that this could not happen again. We decided that in future LAN parties, we would block access to ports that are commonly used for file sharing in addition to running software on the server that tries to detect peer-to-peer traffic and block it. From my previous dealings with OIT, I am confident that this would have been acceptable to them in this situation, but because I had two previous infractions, the case was sent to the Office of Student Integrity instead of being handled by OIT. I believe that after being notified of the problem and making a legitimate effort to correct the problem, I fulfilled my duty as an HTA. Therefore, I could not have violated the CNUSP section C.18 unless the actual manner in which I configured the server violated the CNUSP or a policy of OIT.

The SCC section 3.1.4, responsible use of resources, says, "ResNet and EastNet residents may use their assigned wired-network port connections for recreational purposes to the extent that such usage does not violate other provisions of this policy or adversely affect network service performance for other users engaged in academic activities." EastNet residents, as a collective of whatever group they belong, are assigned wired-network port connections for server use. One of our assigned server ports is used as an internet gateway for LAN parties, which if we extrapolate from this section, falls under this recreational provision, thus, using the server connection in this manner should not have violated any HTA policies provided this ad-hoc network adheres to the CNUSP. We also took what we thought were reasonable precautions to make sure the network adhered to

it. We made it clear to everyone participating that downloading and distributing copyrighted material was not permitted on the network (which in hindsight seems a bit naïve, but as we always know all of the participants and believed in good faith that this rule would be kept, we did not believe it to be a major issue). Based on the fact that our server port followed these guidelines in addition to the reasons stated above, I do not believe that I violated the CNSUP or the SCC.

The statement of purpose of the Georgia Tech Honor Code starts with this: “The members of the Georgia Tech community believe the fundamental objective of the Institute is to provide the students with a high-quality education while developing in them a sense of ethics and social responsibility.” I do not believe the additional paper that I have been assigned to write fits this description for this case. I am very aware of the legal issues regarding piracy of copyrighted materials. As previously stated, the only reason this case went beyond OIT to the Office of Student Integrity is because I have had two previous infractions of downloading copyrighted material (the infractions were for two episodes of the same TV show). After the second infraction, I realized the potential severity of a third. It has been more than two years since that second infraction. I also understand the ethical problems with piracy. As I am pursuing a career in computer science, I might one day write some software that I would like to sell, so I understand the loss in profits. As for the ethical issues concerning this case, we acted under the good faith that our users would respect our policy of respecting copyright laws while on our network. Since our good faith was violated, we are now changing our operating procedures. Based on these reasons, I do not think that this sanction is appropriate for this case.

In closing, by appealing this decision and the sanctions imposed by it, I do not mean to deny any responsibility to this situation, but I hope to convince you that I did not violate the Student Code of Conduct by not following the Computer and Network Usage and Security Policy or for any other reason listed therein and am therefore not deserving of the sanctions imposed by the Student Conduct Administrator. Thank you for your consideration.

Sincerely,
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