

# Fayetteville State University

## Digital Millennium Copyright Act, Takedown Procedure (Faculty/Staff)

### First Violation

FSU ITTS staff designated as Security/Compliance officer checks the machine and owner details to determine any previous violations. If the notice is a first violation, the following occurs:

1. ITTS issues first violation notice, including a copy of "first complaint form letter" and a copy of the complaint to the registered owner of the computer, his/her department head, and Office of the Legal Counsel at FSU-designated as DMCA Agent.
2. Individual is responsible for contacting the DMCA Agent to review the complaint. If the individual does not contact, no action occurs and the machine remains disconnected from the University network.
3. If the individual contacts the DMCA Agent and contests the allegation, he/she has the option to file a Counter Notification with the legal office, at which time the Agent notifies the complainant of such action. Additionally, the DMCA Agent must reconnect the user to the University network within 14 business days after a complaint is filed unless FSU has received a notice from the complainant that a court order has been filed seeking a restraint order. If the individual contacts the DMCA Agent and does not contest the allegation, he/she must sign paperwork stating that he/she received the complaint and all copyrighted materials were removed.
4. Individual decides whether to sign aforementioned paperwork. If individual takes no action, then he/she remains disconnected from the University network.
5. Once signature is obtained, ITTS reconnects the user to the University network.
6. Further disciplinary action resides with the individual's department head.
7. The above process is tracked electronically and on paper. Records are kept for four years after last infringement notification.

### Second Violation

FSU ITTS Staff designated as Security/Compliance officer checks the machine and owner details to determine any previous violations. If the notice is a second violation, the following occurs:

1. ITTS issues second violation notice, including a copy of "second complaint form letter," copy of the complaint, and source machine information to the registered owner of the computer, his/her department head, and to the DMCA Agent at FSU. In addition, a notification is sent to the individual and his/her department head that the individual has been disconnected from the University network for three years.

2. Individual decides whether to contest the allegation. If the individual contests the allegation, he/she has the option to file a Counter Notification with the DMCA Agent, at which time the Agent notifies the complainant of such action. Additionally, the DMCA Agent must reconnect the user to the University network within 14 days unless FSU has received a notice from the complainant that a court order has been filed seeking a restraint order.
3. If the individual takes no action, he/she remains disconnected from the University network.
4. Further disciplinary action resides with the individual's department head and Office of Human Resources.
5. The above process is tracked electronically and on paper. Records are kept for four years after last infringement notification.