

February 11, 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 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 copyright materials was not mine but that of a server owned by my fraternity. I was declared responsible as the House Technical Advisor for my fraternity, and since I had two previous infractions, this case was sent to the Office of Student Integrity. The Student Conduct Administrator who heard my case decided that I was guilty of violating the Georgia Tech 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 the assigned paper is superfluous and unnecessary and that no actual violation of the SCC occurred, therefore, neither Disciplinary Probation nor a Disciplinary Warning are warranted.

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). At first glance, it would appear that this case is centered on 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 case centers around 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, I should not be held responsible for a violation of the SCC under this section.

The reason why this infraction fell to me in the first place was that I was a House Technical Advisor (HTA) for the server. When I inquired as to why I was 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. While I do not feel this is a very fair distinction, for the purposes of this appeal, I will only argue as to what the

responsibilities of an HTA entail.

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.

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. We use one of our assigned server ports 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 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).

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. I emailed OIT with this proposed solution, but I did not receive a response, and the case was soon after sent to the Office of Student Integrity. 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 and did not at any point violate the CNUSP or the policies of OIT and EastNet.

The paper that I am required to write in addition to Disciplinary Probation is, as I previously stated, on "Legal Issues in Downloading." I do not believe this paper is necessary for this case, nor do I believe that writing such a paper would be edifying to me in any way. I am very aware of the legal issues regarding piracy of copyrighted materials, in fact, the only this case went beyond OIT to the Office of Student Integrity is, as I'm sure you are aware, because I have two previous infractions of downloading copyrighted material (the two infractions were for two episodes of the same TV show). After the second infraction, I realized the potential severity of a third infraction. 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 know who physically downloaded the album (he is not a student of Georgia Tech). He has offered to come forward in the event of legal action by the copyright holders. Also, the reason he downloaded the album was to listen to it once before he decided whether or not to purchase it. If he had gone to a record store to listen to the album or listened to the samples provided on Amazon's website (or even listened to what was available on Youtube), this would not have become an issue. The reason this did become an issue is because he downloaded the album using BitTorrent which shares the pieces of the files being downloaded as they are downloading (it is unlikely that much was even shared due to the network's configuration, but I am discussing the ethics of the situation, not the technical details). While anyone downloading pieces being shared by his client probably did so with the intent to pirate the album, he purchased the album after he listened to it.

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." 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 fulfilled my responsibility and that I did nothing unethical through my actions or inactions. Thank you for your consideration.

Sincerely,
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