October 20, 2003

Dear ITPB,

UCLA’s on-going discussions with several local entertainment companies have evolved into two potential initiatives:

- One initiative is to host a forum to analyze the issues with distribution of copyrighted entertainment media in a world that is increasingly attuned culturally to electronic media and sharing. This forum includes Dan Neuman and John Hamilton’s involvement and is tentatively scheduled for January.

- The second initiative addresses making the legally required process of notification to alleged copyright violators more efficient for UCLA. UCLA’s current policy, though unwritten, has been to warn first offenders. Considerably more serious judicial consequences would be in place for repeat offenders. Efforts would follow the legal requirements of the DMCA and the judicial process of the Dean of Students. There is agreement on both sides that university values and policy must be respected. All UC campuses and UCOP are supportive of this initiative. We have agreed that UCLA will share information and make available any practices and tools to all UC campuses.

At the September retreat, the ITPB supported these on-going discussions with the industry and continuing with the initiatives. However, several members expressed concern about how these activities could be interpreted internally and externally and about losing control of the media spin, especially when the media industry directs it. These ITPB concerns have since been voiced both to UCLA and UCOP administration.

A year ago, at the recommendation of the ITPB, UCLA’s position was to take action on illegal file sharing because it is a serious issue but not to take a prominent position calling unwanted public attention to any copyright infringement. A year later, copyright infringement at universities including UCLA is in the Congressional spotlight, the external pressure to deal with the issue more strongly is very significant, and legislation is being proposed that would compromise university respect of academic endeavors, the exchange of ideas, the value of open communications, and privacy.

There is agreement at the administration level that UCLA and UC should now take a more prominent role because:

- UCLA is co-located with much of the media industry in Los Angeles.
- UCLA and UC have strong ties with the media industry through the Regents, federal and state legislators, and individual faculty and academic departments.
- UCLA and UC are taking a strong stand on the value of open communications and respect for privacy.
• There are building expectations that UC will take a stronger leadership position. The result is a strong sense that not taking more visible action will be more harmful.
• For the time being, the Chancellor has declined an invitation by the Joint Committee of Higher Education and Entertainment Communities (very heavy involvement by the RIAA) to participate in an entertainment-university partnership. This was declined in favor of local opportunities.
• The two initiatives described above do not require UCLA to side with the media industry or vice versa. The initiatives are proceeding because of the needed response to legal regulation and mutually agreed upon principles of conduct.

The ITPB input has led to a measured and managed public approach both through UCOP and UCLA that at this point would speak only to the fact that we are in discussion with local companies and that these discussions are based on the principles that:

• Copyrighted materials must be protected.
• Academic endeavors, the exchange of ideas and privacy must be respected.

Agreement to move forward on these two initiatives was reached this past Thursday in a meeting of all administrative parties involved with the illegal file sharing issue. Discussions on how to move forward publicly are continuing.

In attendance were Dan Neuman (EVC), Joe Mandel (VC Legal Affairs), Janina Montero by proxy (VC Student Affairs), Bob Naples (AVC Student Affairs), Chris Foote (Chair, ITPB), Alfonso Cardenas (Vice Chair, ITPB), Keith Parker (AVC External Affairs), Kim Savage (Exec Director Federal Relations), Max Benavidez (Senior Counsel, Media Relations), Kent Wada (Director IT Policy) and Jim Davis (AVC IT).

Chris Foote, Chair, ITPB
Alfonso Cardenas, Vice Chair, ITPB