APPENDIX A

Survey Instrument

[Note that the numbering of questions in the instrument tracks the automated system that Qualtrics uses, and is therefore somewhat counterintuitive.]

Q1. Which of the following most closely describes the part of your institution in which you work?

- ❍ Information Technology (1)
- ❍ Legal / General Counsel's Office (2)
- ❍ Student Affairs (3)
- ❍ Library (4)
- ❍ Other: (5) _____

Q2. As you know, copyright owners and their agents sometimes send notices to institutions of higher learning, claiming that students or employees are using the institutions' networks to infringe copyright. Such notices often include requests for the institution to take some action with regard to the alleged infringement. Approximately how many such notices per year does your institution typically receive? Please use the last five years as a reference.

[If answer to Q2 is zero, skip to Q5.]

Q3. Institutions of higher learning respond to these notices in a variety of ways, including verifying the claim, corresponding with the claimant, taking down copyrighted materials, interacting with students and employees, and so forth. How many different individuals at your institution are routinely involved in such responses?

Q4. On average, how much total time do you and others at your institution spend on such responses? (Please indicate average number of hours per notice. For fractions of an hour, use decimals—e.g., .5.)

You will now be presented with three scenarios involving such notices. Feel free to use the buttons at the bottom of the page to navigate among the scenarios until you are satisfied with your answers.[42]

Q5. If you were to receive a notice alleging the following scenario, would you think you had a legal obligation to take action?

> Scenario: A student or employee is using the institution's network to download material that infringes copyright from the Internet to his or her own computer (or to upload such material from his or her own computer).
>
> Example: A student uses a file-sharing program to download a song from a third-party website to her laptop, using your institution's Internet connection.

- ❍ Yes (1)
- ❍ No (2)

[If answer to Q2 is zero, skip to Q7.]

Q6. Of the notices that you receive, approximately what percentage allege conduct like that in the foregoing scenario?

[42] Note that the order in which the three scenarios were presented was randomized for each participant.

Q7. If you were to receive a notice alleging the following scenario, would you think you had a legal obligation to take action?

Scenario: A student or employee is storing material that infringes copyright on the institution's network.

Example: A student is allocated a certain amount of storage space on a server controlled by your institution, and he uses it to store movie files.

- ❍ Yes (1)
- ❍ No (2)

[If answer to Q2 is zero, skip to Q9.]

Q8. Of the notices that you receive, approximately what percentage allege conduct like that in the foregoing scenario?

Q9. If you were to receive a notice alleging the following scenario, would you think you had a legal obligation to take action?

> Scenario: A student or employee is using the institution's network to help others find material that infringes copyright.
>
> Example: A student is allowed to maintain a website or blog on a server controlled by your institution, and she uses it to maintain a list of hyperlinks to copyrighted material for illegal download.
>
> - ❍ Yes (1)
> - ❍ No (2)

[If answer to Q2 is zero, skip to Q9.]

Q10. Of the notices that you receive, approximately what percentage allege conduct like that in the foregoing scenario?

Q11. Have you used any of the following technology-based deterrents to inhibit or prevent the sort of scenarios listed above? (Choose all that apply, including those used in the past. Feel free to ask others at your institution if you need to.)

- ❑ Port banning/firewalls (1)
- ❑ Bandwidth throttling (3)
- ❑ Traffic/packet shaping (4)
- ❑ Traffic monitoring (5)
- ❑ User network registration/login (9)
- ❑ Other: (6) _____
- ❑ We have not used any technology-based deterrents. (11)

Q12. An institution's policy regarding copyright notices may be motivated by a number of different factors. The following list contains examples of such factors. Please rank the factors according to their importance to your institution (with 1 being most important) to the best of your knowledge. If a factor is not at all important to your institution, do not rank it.

_____ Limiting the institution's exposure to legal liability. (1)
_____ Limiting demands on the institution's information technology resources. (2)
_____ Educating students. (3)
_____ Disciplining students. (4)
_____ Facilitating the free flow of ideas and information. (5)
_____ Other: (6)

Q13 If you have any other thoughts or information to share on these matters, please use the following space to provide them.

Q14 If you are willing to participate in a follow-up interview, please enter your email address below.

This marks the end of the survey. Please use the back button below if you need to revisit your answers to any of the questions. If you are finished, please use the forward button to complete the survey. Once you hit the forward button, you will not be able to change any of your previous answers.