What Are Some Violations Under Local, State & Federal Laws?

Any activity that is illegal is a violation of UMass Amherst policy. Alleged violations by students will be referred to Dean of Students; cases involving faculty or staff will be referred to the department supervisor, UMass Amherst IT, or Human Resources, depending upon the violation. In addition, offenders may be investigated and/or prosecuted by the appropriate local, state, or federal authorities.

The Office of the President of the University of Massachusetts under Internal Audit operates an Ethics & Fraud Awareness Center (https://www.umassp.edu/internal-audit/ethics-fraud-awareness) for anonymous reporting.

Copyright Infringement

Almost all forms of original expression that are fixed in a tangible medium are subject to copyright protection, even if no formal copyright notice is attached. Written text (including e-mail messages, news posts, and web pages), recorded sound, digital images, and computer software are some examples of works that can be copyrighted. Responsibilities exist related to copyright ownership and fair use of materials. Copyright ownership rights (campus and individual) are detailed in the UMass Amherst Intellectual Property Policy (https://www.umass.edu/research/system/files/Intellectual_Property_Policy_UMA.pdf).

Copyright holders have many rights, including the right to reproduce, adapt, distribute, display, and perform their work. Reproducing, displaying, or distributing copyrighted material without permission infringes on the copyright holder’s rights. However, “fair use” applies in some cases. If a small amount of the work is used in a non-commercial situation and does not economically impact the copyright holder it may be considered fair use. For example, quoting some passages from a book in a report for a class assignment would be considered fair use. Linking to another web page from your web page is not usually considered infringement. However, copying some of the contents of another web page into yours or use of video clips without permission would likely be infringement. See Copyright & Fair Use at UMass Amherst (https://www.it.umass.edu/copyright) for details.

Child Pornography

Child pornography, material that depicts minors in a sexually explicit way, is illegal. Under the federal child pornography statute (18 USC section 2252: https://www.law.cornell.edu/uscode/text/18/2252), anyone under the age of 18 is a minor. States also have child pornography statues and the age of minority varies by state.

Knowingly uploading or downloading child pornography is a federal offense. It is also
illegal to advertise or seek the sale, exchange, reproduction, or distribution of child pornography. Lewd exhibition of genitals can constitute sexual conduct and therefore, any graphic files containing images of naked children could violate the federal child pornography statute.

**Distribution of Pornography to Minors**
Possession of non-obscene adult pornography is legal, but it is illegal to distribute to minors.

**Obscenity**
Obscenity is illegal. Virtually every state and municipality has a statute prohibiting the sale and distribution of obscenity, and the federal government prohibits its interstate transportation. The Supreme Court in Miller v. California, 413 U.S. 15, (1973), narrowed the permissible scope of obscenity statutes and applied this three part test to determine constitutionality: (a) whether the average person applying contemporary community standard would find the work, taken as a whole, appeals to the prurient interest; (b) whether the work depicts or describes in a patently offensive way sexual conduct specifically defined in applicable state law; and (c) whether the work taken as a whole lacks serious literary, artistic, political, or scientific value.

**Scams & Pyramid Schemes**
Beware of money-making "opportunities" on the Internet. A common scam is the pyramid scheme. You get an e-mail message with a subject like "MAKE MONEY FAST" and it instructs you to send money to the people on the list and then add your name to the bottom of the list and send it on to some number of people. It is also illegal under 18 U.S.C section 1302 (https://www.law.cornell.edu/uscode/text/18/1302). The US Postal Service (https://postalinspectors.uspis.gov/) and the Federal Trade Commission (http://www.onguardonline.gov/) provide information to help individuals identify scams and report them. Pyramid schemes that use US Postal mail to send money are considered mail fraud and can be reported to the USPS.

**Federal Computer Security Violations**
The primary federal statute regarding computer fraud 18 U.S.C section 1030 was amended in October 1996 to protect computer and data integrity, confidentiality, and availability. Examples of violations are:
- Theft of information from computers belonging to financial institutions or federal agencies, or computers used in interstate commerce
- Unauthorized access to government computers
- Damage to systems or data (intentionally or recklessly)
- Trafficking in stolen passwords
- Extortionate threats to damage computers
- Computer viruses and worms

**Bomb Threats & Hoaxes**
It is illegal to send a message via e-mail that threatens other persons or property.

**Employee Workplace Environment**

For more information, see the Employee Workplace Environment (http://www.it.umass.edu/policies/it-policy-acceptable-use-interpretation-guidelines#5.%20Employee%20Workplace%20Environment) section of the Acceptable Use Policy Interpretation Guidelines.