

**Covenant College Compliance with the
Higher Education Opportunity Act (HEOA)
Peer-to-Peer File Sharing Requirements**

The Higher Education Opportunity Act of 2008 (HEOA) includes provisions that are designed to reduce the illegal uploading and downloading of copyrighted material through peer-to-peer (P2P) file sharing. These provisions include requirements that:

- Institutions certify to the Secretary of Education that they have developed plans to “effectively combat” the unauthorized distribution of copyrighted material.
- Institutions make an annual disclosure that informs students that the illegal distribution of copyrighted materials may subject them to criminal and civil penalties and describes the steps that institutions will take to detect and punish illegal distribution of copyrighted materials.
- Institutions publicize alternatives to illegal file sharing.

This document outlines Covenant College’s plan to comply with these requirements.

Annual Disclosure

Consistent with our educational principles, we view education as the most important element in combating illegal sharing of copyrighted materials at Covenant. We use a wide variety of methods to inform our community about the law and Linfield’s response to copyright infringement claims:

In order to use college computing resources, all members of the Covenant College community will endorse a Computer User Agreement that includes a section on content filtering.

https://helpdesk.pilot.covenant.edu/knowledgebase.php?kb_user=staff&act=art&article_id=12&cat_id=1

Technology Services support staff, including student Help Desk workers, will be regularly trained on the College’s position with respect to copyright issues. Student workers provide an important channel for communicating with the student community.

Covenant’s policies and procedures concerning the Digital Millennium Copyright Act and our response to infringement claims are published on Covenant’s web site. <http://www.covenant.edu/about/copyright>.

The Student Handbook also has information on Copyright law (Digital, DVD, VHS and all other forms) and the Digital Millennium Copyright Act (page 11).

Plans to “Effectively Combat” the Unauthorized Distribution of Copyrighted Material

Covenant currently deploys a NetEqualizer (<http://www.netequalizer.com>) to shape bandwidth. We limit the amount of bandwidth available to P2P applications but we do not filter such applications since some of the traffic is legal. We also employ 8e6 (<http://www.8e6security.com/>) as a content filter that blocks sites that are categorized as illegal peer-to-peer.

Penalties

The Student Handbook also has information regarding the penalties for copyright infringement (Network Account Policies and Regulations – page 33 last bullet in this section)

Summary of Civil and Criminal Penalties for Violation of Federal Copyright Laws

Copyright infringement is the act of exercising, without permission or legal authority, one or more of the exclusive rights granted to the copyright owner under section 106 of the Copyright Act (Title 17 of the United States Code). These rights include the right to reproduce or distribute a copyrighted work. In the file-sharing context, downloading or uploading substantial parts of a copyrighted work without authority constitutes an infringement.

Penalties for copyright infringement include civil and criminal penalties. In general, anyone found liable for civil copyright infringement may be ordered to pay either actual damages or "statutory" damages affixed at not less than \$750 and not more than \$30,000 per work infringed. For "willful" infringement, a court may award up to \$150,000 per work infringed. A court can, in its discretion, also assess costs and attorneys' fees. For details, see Title 17, United States Code, Sections 504, 505.

Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five years and fines of up to \$250,000 per offense.

For more information, please see the Web site of the U.S. Copyright Office at www.copyright.gov, especially their FAQ's at www.copyright.gov/help/faq.

Legal Music and Movies Online

There is a wealth of entertainment available on the Internet that can be enjoyed legally. If you're interested in an artist, check out their personal website or that of their record label to buy albums or sample tracks. If you enjoy a television program, check its network's website. Several popular television programs are streamed at no cost from sites including, but not limited to, the list below. No endorsement or evaluation by Covenant College is intended for the list below. You may also view a list at here: <http://www.educause.edu/Resources/Browse/LegalDownloading/33381>

- [iTunes](#) - The Apple iTunes store provides individual track and album downloads, as well as films, television shows, and podcasts. Requires client download, content contains DRM.
- [Rhapsody](#) - Rhapsody offers a subscription service for streaming music online through their client. Downloads are also available on individual songs. Emphasis is placed on reviewing as well as presenting material.
- [eMusic](#) - eMusic operates a bit differently than iTunes while also working on both Mac and Windows. Subscriptions cover a certain amount of downloads per month, and the music is presented in MP3 format which can be transferred to any portable music player. They offer a free trial.
- [AudioLunchbox](#) - AudioLunchbox offers DRM-free MP3 downloads from independent record labels and offers a free trial.
- [Amazon](#) - Actual CDs with, like, plastic cases and little booklets! Remember those? In addition, Amazon is now offering digital purchases of individual songs as DRM-free MP3s. Options are good.

- [Insound](#) - Insound is a nice merchant site for ordering music, especially if you're looking for new vinyl.
- [NetFlix](#) - NetFlix basically changed what it means to rent movies. Once you've subscribed, pick movies and they show up in your mail. When you're done, send them back, and more come in.
- [GameFly](#) - GameFly is best described as "The NetFlix of Console Games." Free trial available.
- [ShoutCast](#) - Internet radio from the creators of WinAmp.
- [Live365](#) - An elder statesman among Internet radio communities.
- [Pandora](#) - More Internet radio, including the results of a method of music analysis they call The Music Genome Project.

Reviewing Effectiveness

Covenant College will review this plan each year to insure it is current and maintains the appropriate and necessary information to effectively combat illegal file sharing.