Press Release:
July 10, 2014

Higher Education, Library Groups Release Net Neutrality Principles

Today, higher education and library organizations representing thousands of colleges, universities, and libraries nationwide released a joint set of Net Neutrality Principles they recommend form the basis of an upcoming Federal Communications Commission (FCC) decision to protect the openness of the Internet. The groups believe network neutrality protections are essential to protecting freedom of speech, educational achievement, and economic growth.

The organizations endorsing these principles are:

American Association of Community Colleges (AACC)
American Association of State Colleges and Universities (AASCU)
American Council on Education (ACE)
American Library Association (ALA)
Association of American Universities (AAU)
Association of Public and Land-grant Universities (APLU)
Association of Research Libraries (ARL)
Chief Officers of State Library Agencies (COSLA)
EDUCAUSE
Modern Language Association (MLA)
National Association of Independent Colleges and Universities (NAICU)

Libraries and institutions of higher education are leaders in creating, fostering, using, extending, and maximizing the potential of the Internet for research, education, and the public good. These groups are extremely concerned that the recent court decision vacating two of the key "open Internet" rules creates an opportunity for Internet providers to block or degrade (e.g., arbitrarily slow) certain Internet traffic, or prioritize certain services, while relegating public interest services to the "slow lane."

At its best, the Internet is a platform for learning, collaboration, and interaction among students, faculty, library patrons, local communities, and the world. Libraries and institutions of higher education make an enormous amount of Internet content available to the general public—from basic distance learning classes to multimedia instruction, cloud computing, digitized historical databases, research around "big data," and many other educational and civic resources—all of which require an open Internet. Institutions of higher education and libraries do not object to paying for the high-capacity Internet connections that they need to support their students, faculty, administrators, and library patrons; but once connected, they should not have to pay additional fees to receive prioritized transmission of their content, services, or applications.

These groups support strong, enforceable rules to ensure that higher education and libraries can continue to deliver online educational and public interest content at a level of speed and quality on par with commercial providers. The proposed principles call upon the FCC to ban blocking, degradation, and "paid prioritization"; ensure that the same rules apply to fixed and mobile broadband providers; promote greater transparency of broadband services; and prevent providers from treating similar customers in significantly different ways.

The full text of the principles is attached to this press release.

"Colleges and universities depend on broadband Internet access to support high-quality, media-rich teaching, learning, and research," said Diana G. Oblinger, President and CEO of EDUCAUSE. "At a time when the country views higher education and its use of technology as central to social and economic progress, we cannot make the quality and effectiveness of learning and research dependent on the capacity of institutions—and ultimately students and their families—to pay additional fees on top of the costs they already bear for broadband access. The FCC must ensure an open Internet, which is essential to higher education's ability to fulfill its mission in the digital age."

"America's libraries collect, create, and disseminate essential information to the public over the Internet, and enable our users to create and distribute their own digital content and applications," said American Library Association President Courtney Young. "Network neutrality is essential to ensuring open and nondiscriminatory access to Internet content and services for all. The American Library Association is proud to stand with other education and learning organizations in outlining core principles for preserving the open Internet as a vital platform for free speech, innovation, and civic engagement."

"The FCC should use the joint principles submitted by higher education and library groups as a framework for creating rules to protect an open Internet that has fostered equitable access to information and sparked new innovations, including distance learning such as MOOCs," said Carol Pitts Diedrichs, President of the Association of Research Libraries (ARL). "Without rules governing net neutrality to ensure that blocking and discrimination do not occur, the Internet could be available only to those with the greatest financial resources to pay to have their content prioritized."

"The Modern Language Association is committed to the principles of net neutrality that have long protected the fundamental character of the Internet as a space for open, nondiscriminatory, and creative communication," said Rosemary Feal, Executive Director of the Modern Language Association.

"An open Internet is critical to the continued success of American higher education," said Muriel A. Howard, President of the American Association of State Colleges and Universities (AASCU). "If the FCC were to abandon net neutrality in favor of a toll superhighway, colleges and universities would be stuck in the slow lane. This would undermine much of the promise of the Internet for research and teaching, and exclude the very entities that contributed so significantly to the development of the Internet."

"The Internet has helped serve as a great equalizer for society—providing information on virtually everything to anyone with a connection. The enormous societal advancements over the past two decades have been made possible in large part because of students, researchers, and educators' ability to create, discover, and improve upon research and content posted on the web," APLU President Peter McPherson said. "APLU opposes efforts to degrade Internet service, which could create a slow lane for some while prioritizing Internet access to others. Certainly Internet service providers should continue to deliver innovative services, but those services must come in the form of optional upgrades, not automatic downgrades."

For further information, please contact:

AASCU: **Jennifer Dawn Walpole, Manager of Communications,**
(202) 478-4665, walpolej@aascu.org

ALA: **Jazzy Wright, Press Officer,**
(202) 628-8410, ext. 8208, jwright@alawash.org

ARL: **Krista Cox, Director of Public Policy Initiatives,**
(202) 296-2296, krista@arl.org

COSLA: **Timothy Cherubini, Executive Director,**
(859) 514-9826, tcherubini@amrms.com

EDUCAUSE: **Jarret Cummings, Director, Policy and External Relations,**
(202) 331-5372, jcummings@educause.edu

MLA: **Rosemary Feal, Executive Director,**
(646) 576-5000, rfeal@mla.org

NET NEUTRALITY PRINCIPLES

Provided by

American Association of Community Colleges

American Association of State Colleges and Universities

American Council on Education

American Library Association

Association of American Universities

Association of Public and Land-grant Universities

Association of Research Libraries

Chief Officers of State Library Agencies

EDUCAUSE

Modern Language Association

National Association of Independent Colleges and Universities

July 10, 2014

The above organizations firmly believe that preserving an open Internet is essential to our nation's freedom of speech, educational achievement, and economic growth. The Internet now serves as a primary, open platform for information exchange, intellectual discourse, civic engagement, creativity, research, innovation, teaching, and learning. We are deeply concerned that public broadband providers have financial incentives to interfere with the openness of the Internet and may act on these incentives in ways that could be harmful to the Internet content and services provided by libraries and educational institutions. Preserving the unimpeded flow of information over the public Internet and ensuring equitable access for all people is critical to our nation's social, cultural, educational, and economic well-being.

Our organizations have joined together to provide the following background information and to set forth the key principles (below) that we believe the Federal Communications Commission (FCC) should adopt as it reconsiders its "net neutrality" policies in response to the recent court decision. We invite others to join us.

Background: The FCC opened a new proceeding on "net neutrality" in May 2014 (Docket No. 14-28). This proceeding is in response to a January 2014 ruling by the U.S. Court of Appeals – D.C. Circuit that overturned two of the FCC's key "net neutrality" rules but affirmed the FCC's authority under Section 706 of the Telecommunications Act to regulate broadband access to the

Internet. The new FCC proceeding will explore what "net neutrality" policies it can and should adopt in the wake of the court's ruling.

The above organizations support the FCC's adoption of "net neutrality" policies to ensure that the Internet remains open to free speech, research, education and innovation. We believe that Internet Service Providers (ISPs) should operate their networks in a neutral manner without interfering with the transmission, services, applications, or content of Internet communications. Internet users often assume (and may take for granted) that the Internet is inherently an open and unbiased platform, but there is no law or regulation in effect today that requires ISPs to be neutral. ISPs can act as gatekeepers—they can give enhanced or favorable transmission to some Internet traffic, block access to certain web sites or applications, or otherwise discriminate against certain Internet services for their own commercial reasons, or for any reason at all.

The above organizations are especially concerned that ISPs have financial incentives to provide favorable Internet service to certain commercial Internet companies or customers, thereby disadvantaging nonprofit or public entities such as colleges, universities and libraries. For instance, ISPs could sell faster or prioritized transmission to certain entities ("paid prioritization"), or they could degrade Internet applications that compete with the ISPs' own services. Libraries and higher education institutions that cannot afford to pay extra fees could be relegated to the "slow lane" on the Internet.

To be clear, the above organizations do not object to paying for higher-capacity connections to the Internet; once connected, however, users should not have to pay additional fees to receive prioritized transmission and their Internet messages or services should not be blocked or degraded. Such discrimination or degradation could jeopardize education, research, learning, and the unimpeded flow of information.

For these reasons, the above organizations believe that the FCC should adopt enforceable policies based on the following principles to protect the openness of the Internet:

Net Neutrality Principles

❖ **Ensure Neutrality on All Public Networks**: Neutrality is an essential characteristic of public broadband Internet access. The principles that follow must apply to all broadband providers and Internet Service Providers (ISPs) who provide service to the general public, regardless of underlying transmission technology (e.g., wireline or wireless) and regardless of local market conditions.

❖ **Prohibit Blocking**: ISPs and public broadband providers should not be permitted to block access to legal web sites, resources, applications, or Internet-based services.

❖ **Protect Against Unreasonable Discrimination**: Every person in the United States should be able to access legal content, applications, and services over the Internet, without "unreasonable discrimination" by the owners and operators of public broadband networks and ISPs. This will ensure that ISPs do not give favorable transmission to their affiliated content providers or discriminate against particular Internet services based on the identity of the user, the content of the information, or the type of service being provided. "Unreasonable discrimination" is the standard in Title II of the Communications Act; the FCC has generally applied this standard to instances in which providers treat similar customers in significantly different ways.

❖ **Prohibit Paid Prioritization**: Public broadband providers and ISPs should not be permitted to sell prioritized transmission to certain content, applications, and service providers over other Internet traffic sharing the same network facilities. Prioritizing certain Internet traffic inherently disadvantages other content, applications, and service providers—including those from higher education and libraries that serve vital public interests.

❖ **Prevent Degradation**: Public broadband providers and ISPs should not be permitted to degrade the transmission of Internet content, applications, or service providers, either intentionally or by failing to invest in adequate broadband capacity to accommodate reasonable traffic growth.

❖ **Enable Reasonable Network Management**: Public broadband network operators and ISPs should be able to engage in reasonable network management to address issues such as congestion, viruses, and spam as long as such actions are consistent with these principles. Policies and procedures should ensure that legal network traffic is managed in a content-neutral manner.

❖ **Provide Transparency**: Public broadband network operators and ISPs should disclose network management practices publicly and in a manner that 1) allows users as well as content, application, and service providers to make informed choices; and 2) allows policy-makers to determine whether the practices are consistent with these network neutrality principles. This rule does not require disclosure of essential proprietary information or information that jeopardizes network security.

❖ **Continue Capacity-Based Pricing of Broadband Internet Access Connections**: Public broadband providers and ISPs may continue to charge consumers and content, application, and service providers for their broadband connections to the Internet, and may receive greater compensation for greater capacity chosen by the consumer or content, application, and service provider.

❖ **Adopt Enforceable Policies**: Policies and rules to enforce these principles should be clearly stated and transparent. Any public broadband provider or ISP that is found to have violated these policies or rules should be subject to penalties, after being adjudicated on a case-by-case basis.

❖ **Accommodate Public Safety**: Reasonable accommodations to these principles can be made based on evidence that such accommodations are necessary for public safety, health, law enforcement, national security, or emergency situations.

❖ **Maintain the Status Quo on Private Networks**: Owners and operators of private networks that are not openly available to the general public should continue to operate according to the long-standing principle and practice that private networks are not subject to regulation. End users (such as households, companies, coffee shops, schools, or libraries) should be free to decide how they use the broadband services they obtain from network operators and ISPs.

About the American Association of Community Colleges (AACC)

The American Association of Community Colleges (AACC) is the primary advocacy organization for the nation's community colleges. The association represents more than 1,100 two-year, associate degree–granting institutions and more than 13 million students. AACC promotes community colleges through five strategic action areas: recognition and advocacy for community colleges; student access, learning, and success; community college leadership development; economic and workforce development; and global and intercultural education.

About the American Association of State Colleges and Universities (AASCU)

AASCU is a Washington, DC–based higher education association of more than 400 public colleges, universities, and systems whose members share a learning- and teaching-centered culture, a historic commitment to underserved student populations, and a dedication to research and creativity that advances their regions' economic progress and cultural development.

About the American Council on Education (ACE)

Founded in 1918, ACE is the major coordinating body for all the nation's higher education institutions, representing more than 1,600 college and university presidents, and more than 200 related associations, nationwide. It provides leadership on key higher education issues and influences public policy through advocacy. For more information, please visit www.acenet.edu or follow ACE on Twitter @ACEducation.

About the American Library Association (ALA)

The American Library Association is the oldest and largest library association in the world, with approximately 57,000 members in academic, public, school, government, and special libraries. The mission of the American Library Association is to provide leadership for the development, promotion, and improvement of library and information services and the profession of librarianship in order to enhance learning and ensure access to information for all.

About the Association of American Universities (AAU)

The Association of American Universities is an association of 60 U.S. and two Canadian research universities organized to develop and implement effective national and institutional policies supporting research and scholarship, graduate and professional education, undergraduate education, and public service in research universities.

About the Association of Public and Land-grant Universities (APLU)

The Association of Public and Land-grant Universities (APLU) is a research, policy, and advocacy organization representing 234 public research universities, land-grant institutions, state university systems, and affiliated organizations. Founded in 1887, APLU is North America's oldest higher education association with member institutions in all 50 US states, the District of Columbia, four US territories, Canada, and Mexico. Annually, APLU member campuses enroll 4.7 million undergraduates and 1.3 million graduate students, award 1.1 million degrees, employ 1.3 million faculty and staff, and conduct $41 billion in university-based research.

About the Association of Research Libraries (ARL)

The Association of Research Libraries (ARL) is a nonprofit organization of 125 research libraries in the US and Canada. ARL's mission is to influence the changing environment of scholarly communication and the public policies that affect research libraries and the diverse communities they serve. ARL pursues this mission by advancing the goals of its member research libraries, providing leadership in public and information policy to the scholarly and higher education communities, fostering the exchange of ideas and expertise, facilitating the emergence of new roles for research libraries, and shaping a future environment that leverages its interests with those of allied organizations. ARL is on the web at http://www.arl.org/.

About the Chief Officers of State Library Agencies (COSLA)

COSLA is an independent organization of the chief officers of state and territorial agencies designated as the state library administrative agency and responsible for statewide library development. Its purpose is to provide leadership on issues of common concern and national interest; to further state library agency relationships with federal government and national organizations; and to initiate cooperative action for the improvement of library services to the people of the United States. For more information, visit www.cosla.org.

About EDUCAUSE

EDUCAUSE is a nonprofit association whose mission is to advance higher education through the use of information technology. EDUCAUSE supports those who lead, manage, and use information technology in higher education through a comprehensive range of resources and activities, including analysis, advocacy, community building, professional development, and knowledge creation. The current membership comprises more than 2,400 colleges, universities, and related organizations, including nearly 350 corporations, with over 68,000 active members. (www.educause.edu)

About the Modern Language Association (MLA)

The Modern Language Association promotes the study and teaching of languages and literatures through its programs, publications, annual convention, and advocacy work. The MLA exists to support the intellectual and professional lives of its members; it provides opportunities for members to share their scholarly work and teaching experiences with colleagues, discuss trends in the academy, and advocate for humanities education and workplace equity. The MLA aims to advance the many areas of the humanities in which its members currently work, including literature, language, writing studies, screen arts, digital humanities, pedagogy, and library studies. The MLA facilitates scholarly inquiry in and across periods, geographical sites, genres, languages, and those disciplines in higher education that focus on questions about communication, aesthetic production and reception, translation, and interpretation.

About the National Association of Independent Colleges and Universities (NAICU)

NAICU serves as the unified national voice of independent higher education. With more than 1,000 member institutions and associations, NAICU reflects the diversity of private, nonprofit higher education in the United States. They include traditional liberal arts colleges, major research universities, church- and faith-related institutions, historically black colleges, Hispanic-serving institutions, single-sex colleges, art institutions, two-year colleges, and schools of law, medicine, engineering, business, and other professions.