

A guideline for the appointment, promotion and tenure of academic librarians

Approved by the ACRL Board of Directors, June 2010

by the ACRL Committee on the Status of Academic Librarians

This Guideline for Appointment, Promotion, and Tenure is intended for use where librarians have faculty status. It is intended for application within the context of two ACRL policy statements on faculty status for academic librarians,¹ as well as related statements issued by the American Association of University Professors.² The objective of this guideline is to propose criteria and procedures for appointment, promotion in academic rank, and tenure (continuous appointment) for use in academic libraries. Using these criteria and procedures will ensure that the library faculty and, therefore, library services will be of the highest quality possible. These criteria are intended to be minimal only. These procedures may need to be adjusted in minor detail to conform with existing institutional procedures for other faculty. Any contractual procedures must be observed.

I. Appointment

A. General Policies

1. Appointment of librarians shall follow the same procedures that are established for appointing all institutional faculty members. Any librarian appointed to a college or university library faculty shall have the appropriate terminal professional degree.³ Appointment to any rank shall meet the criteria appropriate to that rank.

2. To ensure that only candidates of the highest quality are appointed to the library

faculty, there shall be at least one committee representative of the library faculty selected to participate in the reviewing and screening of all candidates, participate in the interview process, and make recommendations for appointment.

The terms and conditions of every appointment to the library faculty shall be stated and confirmed in writing, and copies of all relevant documents, including the official document of appointment, shall be given to the faculty member. Subsequent extensions or modifications of an appointment shall be stated and confirmed in writing.

B. Probationary appointments

1. Probationary appointments may be for no less than one year, or for other stated periods longer than a year, subject to renewal. The total period of full-time service prior to acquiring tenure shall not exceed seven years, and may include previous full-time service with the rank of instructor or higher in other institutions of higher learning (except that the probationary period may extend to as much as four years, even if the total full-time service in the profession thereby exceeds seven years; the terms of such extension shall be stated in writing at the time of initial appointment). Scholarly leave of absence for one year or less shall count as part of the probationary period as if it were prior service at another institution, unless the individual and the institution

agree in writing to an exception to this provision at the time the leave is granted.

2. The faculty member shall be advised in writing at the time of initial appointment of the substantive standards and procedures employed in decisions affecting renewal and tenure. Institutional standards should be clearly documented, as well as any special standards adopted by the library. The faculty member shall be advised in writing of the time when decisions affecting renewal or tenure are made.

3. The institution shall normally notify faculty members in writing of the terms and conditions of their renewals by March 15 or three months before the new contract begins.

4. Written notice that probationary ap-

pointment is not to be renewed shall be given to the faculty member in advance of the expiration of the appointment (see Table 1).

5. When a faculty recommendation or a decision not to renew an appointment has first been reached, the faculty member involved shall be informed of that recommendation or decision in writing by the body or individual making the initial recommendation or decision; the faculty member shall be advised upon request of the reasons that contributed to that decision. The faculty member may request reconsideration by the recommending or deciding body.

6. If the faculty member so requests, the reasons given in explanation of the nonrenewal shall be confirmed in writing.

Length of Probationary Appointment	Written Notice Given
One year	March 1 or at least three months before end of first year of probationary service
Initial two year appointment	Initial two-year appointment December 15 or at least six months in advance of termination
Two or more years of service	At least one year in advance of termination

Table 1

About the guidelines

These guidelines are a revision of the Model Statement of Criteria and Procedures for Appointment, Promotion in Academic Rank and Tenure for College and University Librarians first issued by ACRL in 1973 and revised in 1987. The ACRL Board charged the committee on the Status of Academic Librarians with the task of revising this document. The revision process began in January 2003 under the chairmanship of Bill Nelson (Augusta State University). The final revision was completed under the chairmanship of Sharon McCaslin (Fontbonne University), with a draft published in the April 2005 *C&RL News*.

Following the recommendation of the ACRL Standards and Accreditation Com-

mittee (SAC), the title was changed to *Guidelines* rather than *Model Statement*. The guidelines were approved by SAC and subsequently approved by the ACRL Board in June 2005. The previous Model Statement was rescinded. The guidelines were reviewed and revised in 2009 and 2010.

Members of the 2009–10 ACRL Committee on the Status of Academic Librarians were: Sandra Hawes, Saint Leo University; Connie Strittmatter, Montana State University; Gloria Creed-Dikeogu, Ottawa University; Patricia M. Duck, University of Pittsburgh; Bradford L. Eden, University of California-Santa Barbara; Kevin Gunn, Catholic University of America; Carol A. Leibiger, University of South Dakota; and Mark McBride, Buffalo State College.

7. Should the faculty member allege that the decision against renewal was based on inadequate consideration, the committee that reviews the faculty member's allegation shall determine whether the decision was fair in terms of the relevant standards of the institution. The review committee shall not substitute its judgment on the merits for that of the faculty body. If the review committee determines that adequate consideration was not given, it shall request reconsideration by the faculty body, indicating the ways in which it believes the consideration may have been inadequate. It shall provide copies of its findings to the faculty member, the faculty body, and the chief executive officer or other appropriate administrative officer.

II. Promotion in academic rank

A. General professional and scholarly qualifications of the library faculty

All activities shall be judged by professional colleagues on and/or off the campus on the basis of their contribution to scholarship, the profession of librarianship, and library service. The basic criterion for promotion in academic rank is to perform professional level tasks that contribute to the educational and research mission of the institution.

Evidence of this level of performance may be judged by colleagues on the library faculty, members of the academic community outside the library, and/or professional colleagues outside the academic institution.

Additional evidence for promotion in rank may include:

1. Contributions to the educational mission of the institution: for example, teaching (not necessarily in a classroom); organization of workshops, institutes, or similar meetings; public appearances in the interest of librarianship or information transfer. Assessment by students and professional colleagues may contribute to this evaluation.

2. Contributions to the advancement of the profession: for example, active participation in professional and learned societies as a member.

3. Activities related to inquiry and re-

search: for example, scholarly publication, presentation of papers, reviews of books and other literature, grants, consulting, service as a member of a team of experts, or other means of disseminating professional expertise.

B. Criteria for promotion to specific ranks

Promotion to the ranks of assistant professor, associate professor, and professor requires a record of successful fulfillment of criteria at the lower level.

Instructor—Appointments at this rank shall require expectation of successful overall performance and the potential for a promising career in librarianship. Institutional practice for faculty appointments varies. Specialized skills or expertise may justify appointment at a higher rank.

Assistant professor—Promotion to this rank shall require evidence of significant professional contributions to the library or to the institution.

Associate professor—Promotion to this rank shall require evidence of substantial professional contributions to the library and to the institution as well as attainment of a high level in research or other professional endeavors.

Professor—Promotion to this rank shall require outstanding achievements in librarianship, research, and other professional endeavors.

C. Procedures for promotion to specific ranks

1. Candidates for promotion in academic rank shall be considered by a peer review committee formed in accordance with appropriate institutional regulations.

2. Recommendations for promotion in academic rank may be made by the appropriate administrator, or a member of the library faculty, who shall give the candidate copies of any recommendations or evaluations. These statements shall be retained.

3. Documentation in support of candidates for promotion in rank shall include evaluations from the appropriate administrator. Additional documentation may include letters

from colleagues, copies and reviews of publications, records of committee activity, etc.

4. The peer review committee (see C-1) shall transmit its recommendations, with all supporting documentation, to the chief administrative officer of the library.

5. The chief administrative officer of the library will receive the recommendations of the committee, make a decision, and so notify the committee. If the chief administrative officer of the library does not concur in any particular recommendation, after consultation with the committee, he/she may note such disagreement before notifying the candidate of the recommendations. The chief administrative officer of the library shall inform the committee and the candidate in writing of the recommendations before transmitting the recommendations of the committee and the chief administrative officer of the library to the appropriate institutional officer. The candidate then will have the opportunity to respond in writing to the recommendations. After this, the chief administrative officer of the library will submit his/her recommendation, the recommendation of the committee, and any responses from these parties or from the candidate, to the appropriate institutional officer.

6. If the candidate for promotion believes there are substantial grounds for disagreement with a denial of promotion, appropriate institutional regulations shall be provided so that the case may be properly reviewed. The unsuccessful candidate may file a grievance as specified in Section V.

III. Tenure (continuous appointment)

A. Tenure, or continuous appointment, is defined as an institutional commitment to permanent employment to be terminated only for adequate cause (for example, incompetence, malfeasance, mental or physical disability, bona fide financial exigency) and only after due process. Tenure (continuous appointment) shall be available to librarians in accordance with provisions for all faculty of the institution.

B. The criteria for tenure are closely al-

lied to the criteria for promotion in academic rank. The relationship between tenure and rank shall be the same for library faculty as for other faculty in the institution. These criteria include performance, scholarship, and service.

C. A candidate for tenure shall be reviewed according to established institutional regulations, which shall be similar to those described above for promotion in academic rank.

IV. Termination of appointments

A. Termination of appointment by the individual

Faculty members may terminate their appointments, provided that they give notice in writing at the earliest possible opportunity, or within 30 days after receiving notification of the terms of appointment for the coming year. Faculty members may properly request a waiver of this requirement of notice in case of hardship or in a situation where they would otherwise be denied substantial professional advancement or other opportunity.

B. Termination of appointments by the institution

1. Termination of an appointment with continuous tenure, or of a probationary or special appointment before the end of the specified term, may be effected by the institution only for adequate cause.

2. If termination takes the form of a dismissal for cause, it shall be pursuant to the procedures specified in section VI below.

3. Financial exigency

a. Termination of an appointment with continuous tenure, or of a probationary or special appointment before the end of the specified term, may occur under extraordinary circumstances because of a demonstrably bona fide financial exigency, i.e., an imminent financial crisis that threatens the survival of the institution as a whole and that cannot be alleviated by less drastic means.

[Note: Each institution in adopting regulations on financial exigency will need to decide how to share and allocate the hard

judgments and decisions that are necessary in such a crisis.

As a first step, there should be a faculty body that participates in the decision that a condition of financial exigency exists or is imminent, and that all feasible alternatives to termination of appointments have been pursued.

Judgments determining where within the overall academic program termination of appointments may occur involve considerations of educational policy, including affirmative action, as well as of faculty status, and should therefore be the primary responsibility of the faculty or of an appropriate faculty body. The faculty or an appropriate faculty body should also exercise primary responsibility in determining the criteria for identifying the individuals whose appointments are to be terminated. These criteria may appropriately include considerations of length of service.

The responsibility for identifying individuals whose appointments are to be terminated should be committed to a person or group designated or approved by the faculty. The allocation of this responsibility may vary according to the size and character of the institution, the extent of the terminations to be made, or other considerations of fairness in judgment. The case of a faculty member given notice of proposed termination of appointment will be governed by the following procedures.]

b. If the administration issues notice to a particular faculty member of an intention to terminate the appointment because of financial exigency, the faculty member shall have the right to a full hearing before a faculty committee. The hearing need not conform in all respects with a proceeding conducted pursuant to Section VI, but the essentials of an on-the-record adjudicative hearing shall be observed. The issues in this hearing may include:

i. The existence and extent of the condition of financial exigency. The burden will rest on the administration to prove the existence and extent of the condition. The findings of a faculty committee in a previous

proceeding involving the same issue may be introduced.

ii. The validity of the educational judgments and the criteria for identification for termination; but the recommendations of a faculty body on these matters will be considered presumptively valid.

iii. Whether the criteria are being properly applied in the individual case.

c. If the institution, because of financial exigency, terminates appointments, it will not at the same time make new appointments except in extraordinary circumstances where a serious distortion in the academic program would otherwise result. The appointment of a faculty member with tenure will not be terminated in favor of retaining a faculty member without tenure, except in extraordinary circumstances where a serious distortion of the academic program would otherwise result.

d. Before terminating an appointment because of financial exigency, the institution, with faculty participation, shall make every effort to place the faculty member concerned in another suitable position within the institution.

e. In all cases of termination of appointment because of financial exigency, the faculty member concerned shall be given notice or severance salary not less than as prescribed in Section IX.

f. In all cases of termination of appointment because of financial exigency, the place of the faculty member concerned shall not be filled by a replacement within a period of three years, unless the released faculty member has been offered reinstatement and a reasonable time in which to accept or decline it.

4. Discontinuation of a program or department not mandated by financial exigency

Termination of an appointment with continuous tenure, or of a probationary or special appointment before the end of the specified term, may occur as a result of bona fide formal discontinuance of a program or department of instruction. The following standards and procedures shall apply.

The decision to discontinue formally a library unit, program, or department of instruction shall be based essentially upon educational considerations, as determined primarily by the faculty as a whole or an appropriate committee thereof.

[Note: "Educational considerations" do not include cyclical or temporary variations in enrollment. They must reflect long-range judgments that the educational mission of the institution as a whole will be enhanced by the discontinuance.]

Before the administration issues notice to a faculty member of its intention to terminate an appointment because of formal discontinuance of a library unit, program, or department of instruction, the institution shall make every effort to place the faculty member concerned in another suitable position. If placement in another position would be facilitated by a reasonable period of training, financial and other support for such training will be preferred. If no position is available within the institution, with or without retraining, the faculty member's appointment then may be terminated, but only with provision for severance salary equitably adjusted to the faculty member's length of past and potential service.

[Note: When an institution proposes to discontinue a program or department of instruction, it should plan to bear the costs of relocating, training, or otherwise compensating faculty members adversely affected.]

A faculty member may appeal a proposed relocation or termination resulting from a discontinuance and has a right to a full hearing before a faculty committee. The hearing need not conform in all respects with a proceeding conducted pursuant to Section VI, but the essentials of an on-the-record adjudicative hearing will be observed. The issues in such a hearing may include the institution's failure to satisfy any of the conditions specified in this section. In such a hearing, a faculty determination that a program or department is to be discontinued will be considered presumptively valid, but the burden of proof on other issues shall rest on the administration.

5. Termination because of physical or mental disability

Termination of an appointment with tenure, or of a probationary or special appointment before the end of the period of appointment, because of physical or mental disability, shall be based upon clear and convincing medical evidence that the faculty member, even with reasonable accommodation, is no longer able to perform the essential duties of the position. The decision to terminate shall be reached only after there has been appropriate consultation and after the faculty member concerned, or someone representing the faculty member, has been informed of the basis of the proposed action and has been afforded an opportunity to present the faculty member's position and to respond to the evidence. If the faculty member so requests, the evidence will be reviewed by the appropriate faculty committee before a final decision is made by the governing board on the recommendation of the administration. The faculty member shall be given severance salary not less than as prescribed in Section IX.

6. Review

In cases of termination of appointment, the governing board shall be available for ultimate review.

V. Grievance

In the event that an amicable solution cannot be reached between the two parties, a grievance procedure shall be provided by the institution. The general criteria for a grievance procedure include:

- A. The procedure shall be equitable to both parties.
- B. The procedure shall state clearly what is to be done, when, and by whom.
- C. The term *grievance*, as well as any other terms that could be misunderstood, shall be clearly defined.
- D. The procedures should be accessible to and easy to initiate by all members of the library faculty.
- E. Steps in the procedure shall be completed within specified time limits. Additional

time shall be allowed as the grievance moves to higher levels.

F. There shall be effective safeguards against reprisal for initiating or participating in a grievance proceeding and against abuse of the procedures.

G. Any procedure must be consistent with applicable institutional regulations and contracts.

VI. Dismissal procedures

A. Termination of any appointment, other than by expiration, may be made for adequate cause. Adequate cause for a dismissal shall be related, directly and substantially, to the fitness of faculty members in their professional capacities as librarians. The dismissal procedure shall include a written statement of adequate cause. Dismissal shall not be used to restrain faculty members in their exercise of academic freedom.

B. Dismissal of a faculty member with continuous tenure, or with a special or probationary appointment before the end of the specified term, shall be preceded by:

1. Discussions between the faculty member and appropriate administrative officers looking toward a mutual settlement;

2. Inquiry by the duly elected faculty or peer review committee that will make a nonbinding recommendation to continue or cancel dismissal proceedings; and³. A statement of charges, framed by the chief executive officer or the CEO's delegate.

C. The individual concerned shall have the right to address the elected faculty or peer review hearing committee. Librarians have a right to appeal a decision for non-renewal of an appointment based on their institutional guidelines for faculty.

1. Pending a final decision by the hearing committee, the faculty member shall be assigned to other duties in lieu of suspension, and suspended only if his/her continued presence poses a significant danger.

2. The hearing committee may, with the consent of the parties concerned, hold joint prehearing meetings with the parties to stipulate the facts, provide for the exchange

of documentary or other information, and achieve other appropriate prehearing objectives to make the hearing fair, effective, and expeditious.

3. The faculty member may waive a hearing or may respond to the charges in writing at any time before the hearing. If the faculty member waives a hearing, the committee shall evaluate all available evidence and submit its recommendation upon the evidence in the record.

4. The committee, in consultation with the chief executive officer and the faculty member, shall determine whether the hearing shall be public or private.

5. During the proceedings the faculty member shall be permitted to have an academic advisor and counsel of the faculty member's choice.

6. At the request of either party or the hearing committee, a representative of a responsible educational association shall be permitted to attend the proceedings as an observer.

7. A verbatim record of all hearings shall be taken and a copy made available to the faculty member without cost, on request.

8. The burden of proving adequate cause rests with the institution and shall be satisfied only by clear and convincing evidence in the record considered as a whole.

9. The faculty member shall have the opportunity to obtain necessary witnesses, documentation, or other evidence. The administration shall cooperate with the hearing committee in securing witnesses, documentation and other evidence.

10. The faculty member and the administration shall have the right to confront and cross-examine all witnesses. When the witnesses cannot or shall not appear, but the committee determines that the interests of justice require admission of their statements, the committee shall identify the witnesses, disclose their statements, and, if possible, provide for interrogatories.

11. In the hearing of charges of incompetence, the testimony shall include that of qualified librarians.

12. The hearing committee shall not be bound by strict rules of legal evidence. It may admit any evidence which is of probative value in determining the issues. Every possible effort shall be made to obtain the most reliable evidence.

13. The findings of fact and the decision shall be based solely on the hearing record.

14. Except for simple necessary announcements that cover the time of the hearing and similar matters, all parties shall avoid public statements and publicity about the case until the proceedings have been completed.

15. If the hearing committee concludes that adequate cause for dismissal has not been established by the evidence in the record, it shall so report to the president or CEO of the institution. If the president/CEO rejects the report, he/she shall state the reasons for doing so, in writing, to the hearing committee and to the faculty member, and shall provide an opportunity for response before transmitting the case to the governing board. If the hearing committee concludes that an academic penalty less than dismissal is more appropriate, it shall so recommend with supporting reasons.

VII. Action by the institutional governing board

If dismissal or other severe sanction is recommended, the president shall, on request of the faculty member, transmit the record of the case to the governing board. The governing board's review shall be based on the record of the committee hearing. This review shall provide opportunity for the principals or their representatives to make oral and/or written argument. The governing boards shall either sustain the decision of the hearing committee, or return the findings to the committee with specific objections. The committee shall then reconsider, taking into account these objections, and receiving new evidence if necessary. The governing board shall make a final decision only after study of the committee's reconsideration.

VIII. Procedures for imposition of sanctions other than dismissal

A. If the administration believes that the conduct of a faculty member does not constitute adequate cause for dismissal, but is sufficiently grave to justify imposition of a severe sanction, such as suspension from service for a stated period, the administration may institute a proceeding to impose such a severe sanction. The procedures outlined in Section VI shall govern such a proceeding.

B. If the administration believes that the conduct of a faculty member justifies the imposition of a minor sanction, such as a reprimand, it shall notify the faculty member of the basis of the proposed sanction. The faculty member shall have an opportunity to persuade the administration that the proposed sanction not be imposed. A faculty member who believes that a major or minor sanction has been incorrectly imposed, may, pursuant to Section V, petition the faculty grievance committee for such action as may be appropriate.

IX. Terminal salary or notice

If the appointment is terminated, the faculty member shall receive salary or notice in accordance with the following schedule (see Table 2).

This provision for terminal notice or salary need not apply in the event that there has been a finding that the conduct which justified dismissal involved malfeasance. On the recommendation of the faculty hearing committee or the chief executive officer, the governing board may take into account the length and quality of service of the faculty member in determining what, if any, payments shall be made beyond the effective date of dismissal.

X. Academic freedom and protection against discrimination

1. All members of the faculty, whether tenured or not, are entitled to academic freedom as set forth in the 1940 "Statement of Principles on Academic Freedom and Tenure," formulated by the Association of American Colleges and the American Association of University Professors.

2. All members of the faculty, whether tenured or not, are entitled to protection against illegal or unconstitutional discrimination by the institution, or discrimination on a basis not demonstrably related to the faculty member's professional performance, including but not limited to race, sex, religion, national origin, age, physical handicap, marital status, or sexual preference.

Length of probationary service	Final decision reached by	Notice given
Less than 9 months	March 1	Three months before end of first year of probationary service
Between 9 and 18 months	December 15	At least six months
Over 18 months or member has tenure	After 18 months of service	At least one year

Table 2

XI. Complaints of violation of academic freedom or of discrimination in non-reappointment

If a faculty member on probationary or other non-tenured appointment alleges that a decision against reappointment was based significantly on considerations which violate either academic freedom or policies of nondiscrimination with respect to race, sex, religion, national origin, age, physical handicap, marital status, or sexual preference, the allegation shall be first considered by the appropriate committee. This committee shall try to settle the matter by informal methods. The allegation of violation shall be accompanied by the faculty member's statement consenting to the institution's presentation of supporting evidence to the committee. An unresolved matter shall be heard in the manner set forth in Sections VI and VII, except that the faculty member making the complaint is responsible for stating the grounds upon which the allegations of violation are based, and the burden of proof shall rest upon the faculty member. If the faculty member succeeds in establishing a *prima facie* case, it is incumbent upon those who made the

decision against reappointment to present evidence in support of the decision. Statistical evidence of improper discrimination may be used in establishing a *prima facie* case.

XII. Administrative personnel

The foregoing regulations

apply to administrative personnel who hold academic rank, but only in their capacity as faculty members. The procedures set forth in Section XI apply to termination or nonreappointment to an administrative post. Administrators who allege a violation of academic freedom or of governing policies against improper discrimination are entitled to these procedures.

Notes

1. "Standards for Faculty Status for College and University Librarians," approved by ACRL and ALA, January 2001 (www.ala.org/ala/acrl/acrlstandards/standardsfaculty.htm); "Joint Statement on Faculty Status of College and University Librarians," drafted by a committee of the Association of American Colleges (AAC), the American Association of University Professors (AAUP), and ACRL; endorsed by ACRL, June 1972, and by AAUP, April 1973. Reaffirmed by ACRL, June 2001 (www.ala.org/ala/acrl/acrlstandards/jointstatementfaculty.htm).

2. "Recommended Institutional Regulations on Academic Freedom and Tenure" (www.aaup.org/statements/Redbook/RBriR.htm). Much of the original Model Statement was drawn from earlier versions of this statement.

3. See the ACRL "Statement on the Terminal Professional Degree for Academic Librarians" (www.ala.org/ala/acrl/acrlstandards/statementterminal.htm). **22**

Network neutrality (or “net” neutrality) is a telecommunications issue to which the Federal Communications Commission (FCC), Congress, and even the executive branch, attempt to stake a claim. So it is no surprise that despite a lot of talk and a little action, no resolution is in sight.

As a strong proponent of net neutrality, ALA is involved in this issue on two fronts—at FCC and on the Hill lobbying Congress, as both arenas have the potential to shape the outcome of net neutrality policies.

The million-dollar question: What is net neutrality?

Simply put, net neutrality is the concept of online nondiscrimination. It is the principle that consumers/general public should be free to get access to—or to provide—the Internet content and services they wish, and that access should not be regulated based on the nature or source of the content or service. Information providers—which may be Web sites, online services, etc., and who may be affiliated with traditional commercial enterprises but who also may be individual citizens, libraries, schools, or nonprofit entities—should have essentially the same quality of access to distribute their offerings.

“Pipe” owners (Internet service providers or ISPs) should not be allowed to charge some individuals more money for the same pipes, or establish exclusive deals that relegate everyone else to an Internet “slow lane.” This principle should hold true even when an ISP is providing Internet service to a competitor. Without net neutrality, entertainment content could be routed on the “fast lane,” while education content could be directed to the slow lane—all unbeknownst to the users.

Recent federal action

In October, ALA seized an opportunity to once again engage in FCC’s work on net neutrality. ALA, along with the Association of Research Libraries (ARL) and EDUCAUSE, filed comments (available at www.wo.ala.org/districtdispatch/?p=5363) to the FCC in response to their request for comments on the following two issues:

Jenni Terry is press officer at ALA’s Washington Office, e-mail: jterry@alawash.org

1. The relationship between open Internet protections and services that are provided over the same last-mile facilities as broadband Internet access service (commonly called “managed” or “specialized” services), and

2. The application of open Internet rules to mobile wireless Internet access services, which have unique characteristics related to technology, associated application and device markets, and consumer usage.

Our comments underscored our agreement with concerns FCC raised in its public notice surrounding the treatment of “specialized services.” While the library, higher education, and academic and research library communities support the development of innovative technology and private investment in networks, we believe that an overly broad exemption for specialized services may enable commercial ISPs to use such services to undermine the robust application of network neutrality rules, including nondiscrimination and transparency.

At the same time, we suggested that private networks, which are used for internal purposes and do not serve the general public, should remain free of traditional telecommunications regulation.

The comments emphasized that FCC must ensure that any policy approach that encourages investment in specialized services does not inadvertently limit investment in broadband Internet access service.

They also stated that public and school libraries, academic and research libraries, and colleges and universities are developing new advanced mobile applications to enhance access to research and information from wireless devices. ARL, ALA, and EDUCAUSE asked FCC to apply net neutrality to mobile and other wireless services to ensure that the Internet remains open for users of these increasingly popular technologies.

As the net neutrality debate continues at both FCC and in Congress, ALA will continue its work to support the adoption of net neutrality principles while stressing that libraries, librarians, and those we serve rely on a fast, reliable, and open Internet.

For additional information, see the May 2010 *C&RL News* “Washington Hotline.” 