

## Getting Back to the Front of the Line

### Internet Policy and the Higher Education Community

*Q: A line of people are waiting to enter a congressional hearing concerning the Internet. How can you tell who represents the nonprofit communities?*

*A: They are the first ones in line behind the professional line-sitters who have become a common site for popular hearings on Capitol Hill. Fifteen minutes before the hearing, however, corporate lobbyists replace the paid line-sitters and take their spots at the head of the line.*

The above quip is not meant to disparage corporate interests but rather to showcase the increased importance of information technology (IT) and the Internet in federal policy. The high level of corporate interest in Internet-related issues reflects the Internet's success as a commercial medium and its growing permeation of our daily lives. This fact is not lost on Congress, which has introduced an increasing number of Internet-related bills over the last few years.

With the tremendous growth of e-commerce, it is understandable why Congress views the Internet as a cash cow with remarkable potential for our nation's economy. The Telecommunications Act of 1996 reflected this pro-competition, pro-marketplace mentality, and ensuing legislation has sought to remove what some perceive as federal laws and regulations that inhibit the rollout of the Internet, especially the building of speedier, advanced network services to the home and office. Congress also has become increasingly cognizant of the social issues associated with the growing use of the Internet and the need to ensure that the public has access to and receives the benefits from the advanced information technologies, thanks in part to a host of nonprofit associations, EDUCAUSE and its predecessors included.

Unfortunately, these visions—economic and social—do not always coincide. The higher education community has often been prevented from improving its campus Internet capacity due to lack of choices among service providers and high prices for obtaining services. The idea that the marketplace would grow and provide services at reasonable costs for higher education has proven elusive to date in many locales.

As the commercial success of the Internet grew, the higher education

and library community increasingly found its voice being drowned out by the corporate lobbyists. Now more than ever before, higher education needs to pool its resources, relying on each association's expertise, in order to have maximum impact on future legislation.

#### In the Beginning

The higher education community did not always work toward common policy goals. Different associations were created to represent different activities and issues on campus. Often, as separate academic disciplines and services sought government support, infighting within the higher education community left institutions with a fragmented voice. Facing numerous pressing issues, most of the college and university presidential associations initially were not that interested in Internet policy. Campus chief information officers (CIOs) faced a lonely battle trying to convince college and university presidents that this "Internet stuff" would be important someday.

Realizing that CIOs needed help in getting their message across, the boards of Educom and CAUSE created the Higher Education Information Resources Alliance (HEIRA) in 1988. Soon thereafter they were joined by the Association of Research Libraries (ARL). With an emphasis on communication rather than policy advocacy, this was an early attempt to create a single voice among the three organizations.

HEIRA produced a series of working papers intended to bring college and university presidents up to speed on IT issues. Topics included the integration of technologies on campus, automation of an institution's administrative functions, unbundling of campus networks as technologies converged, integration of academic and administrative systems, and definition of the role of college and university presidents in ensuring an appropriate focus on IT resources.

Notice the emphasis on the tech-

nology. Most of these working papers were written between 1992 and 1995, when the Internet was still in its commercial infancy. This focus reflected the energy spent by higher education on the policy front: building the Internet and providing the federal government with a vision of the Internet's future access and use within higher education.

#### From the Mountaintop to the Hill

Starting in Monterey, California, in 1992, the higher education community began a series of NSF-supported meetings with the goal of articulating and refining higher education's networking requirements for the remainder of the century and beyond. Permeating these meetings was a growing discontent with the congestion of the infant commercial Internet. How to increase connectivity and improve the quality of Internet services were two primary questions raised. Monterey and subsequent meetings at Cheyenne Mountain and Washington, D.C., provided a consensus-building opportunity and coordinated an effort to discuss how to best implement technical requirements, organizational issues, and architectural proposals. Meeting participants acknowledged that at that time higher education's ability to influence what the Cheyenne report termed "community network development" (referring to the networking of homes and offices off campus) was significantly less than its ability to influence advanced interuniversity communications services that were unlikely to be offered by the commercial Internet industry.<sup>1</sup>

This did not mean that Congress did not seek the community's input. Educom and FARNET, EDUCAUSE precursor organizations, began working to help lawmakers understand advanced networking even before the term "Internet" was in use. Much of the effort was focused on helping Congress understand options and possible outcomes from telecommunications reform. Between 1992 and 1994, Bob Heterick and

Mike Roberts, then president and vice president of Educom respectively, advised and testified before Congress on high-performance networking. Jim Williams, then president of FARNET and now director of policy and federal relations at EDUCAUSE, testified before Congress in 1994 concerning Internet access for rural communities—an issue that is receiving increased media and government attention today.

#### Coming into Maturity: The Evolution of Internet Policy Issues

The growth and evolution of the Internet has introduced challenges as well as benefits. Today, policy issues concern not only how *we build* the Internet but how *we access and use* this medium. Copyright, online gambling, and the role of universities as Internet service providers are just a few issues that college and university administrations are being forced to address.

As the Internet becomes increasingly interwoven with scholastic life, college and university presidents are taking a more vested interest in these issues. Academic associations are attempting to meet the need to provide information to higher education leaders by pooling their resources. The Higher Education Alliance for Information Technology, a group of national associations that is led by the National Association of State Universities and Land-Grant Colleges (NASULGC), is an example of this trend. Formed to identify and communicate IT policy issues and to develop unified policy strategies when appropriate, the Alliance is seeking to increase its role in helping to shape Internet policy.<sup>2</sup>

This does not mean the Alliance and its allies always pursue policy issues in a cohesive fashion. For example, during the Internet gambling hearings, the National Collegiate Athletic Association (NCAA)<sup>3</sup> strongly supported a bill that would render gambling over the Internet illegal. Understandably, the NCAA wanted to prevent its student-athletes from



engaging in disruptive activities that could adversely affect their academic careers. However, while agreeing that legislation was appropriate to address this general issue, EDUCAUSE and other associations were concerned that universities then would be held responsible for "policing" the Internet for illegal gambling sites anywhere—an activity that the higher education community had neither the financial nor the technical resources to carry out. Fortunately, the Internet gambling bill that was passed out of the Senate Judiciary Committee responded to these concerns of the Alliance by exempting interactive computer service providers (including colleges and universities that offer Internet services to students) from liability for the illegal actions of those using their systems. Instead, it provides reasonable guidelines for the steps that providers must take when informed by law enforcement agencies that illegal activity is occurring over a network. Initially, however, the disunity of the academic associations painted a confusing picture for the committee members on where higher education stood on this issue.

Higher education associations will not always share a common perspective on every policy issue, of course, but it is imperative that they try to iron out differences whenever possible. Working toward opposite goals often lessens higher education's impact on policy-makers. As corporate interests become more involved in shaping future Internet laws, a more unified voice of higher education must be heard by lawmakers.

### Future of EDUCAUSE Policy

EDUCAUSE is aware of how the policy landscape has changed over the last five years. Gone are the days when a small number of staff and interested members largely determined policy strategy for the association. Today, EDUCAUSE has created a more open and formal process for choosing which issues are important to the higher education community

and for deciding on the strategy to be used in implementing policy decisions and influencing policy-makers. By revamping the policy Web page and other related communication efforts, the EDUCAUSE policy team has emphasized an inclusive process to ensure that EDUCAUSE members, those who are on campus grappling with these IT issues on a daily basis, have input concerning the issues covered by the EDUCAUSE policy team.<sup>4</sup>

EDUCAUSE has maintained the tradition, begun in the Educom and CAUSE days, of being an "honest information broker," offering information and the advice of its staff and members on particular policy issues at the request of policy-makers. By avoiding direct lobbying and producing educational working papers for public consumption, EDUCAUSE often tiptoes between well-paid lobbyists on both sides of an issue. This does not mean that EDUCAUSE avoids a personal presence on the hill. Beginning last year at its annual networking policy conference, EDUCAUSE coordinated hill visits for some twenty members, providing them with the opportunity to discuss critical IT issues with their congressional representatives and key staffers. Today EDUCAUSE is working on expanding its hill outreach at the "Networking 2000" conference in late March.<sup>5</sup> EDUCAUSE members have also been invited to testify at congressional hearings, most recently on the status of higher education's preparations for Y2K. In conjunction with these activities, EDUCAUSE is helping to increase members' grassroots activities at their congressional district offices and is working with regional associations on state issues when input is requested.

As new issues crop up, EDUCAUSE will continue to partner with other like-minded associations, with government, and with industry when appropriate to ensure that Congress passes balanced Internet legislation. Because the higher education community must deal with a wide range of policy issues, EDUCAUSE is

unique among the ever-growing cadre of issue-specific groups that are being formed around the Internet today. As a voice for IT in higher education, EDUCAUSE can work in concert with these groups to bridge differences that may hinder the development of the Internet and to alleviate potential social problems *before* they become widespread.

Looming before us are even more difficult, and as yet undefined, policy issues that will emerge as the Internet and e-commerce give rise to a completely new economics of information resources and interpersonal communications. Such changes are certain to transform even the basic structures of higher education. EDUCAUSE members and partners are in an excellent position to maintain a leadership role in developing the Internet, its applications, and related policy for the higher education community. Active participation from the entire higher education community will make our task easier—and make standing in line worth the wait.

### Notes

1. To view the Cheyenne Mountain report, see <<http://www.educause.edu/netatedu/contents/reports/cheyenne/index.html>>.
2. Though they are not official members of the Alliance, EDUCAUSE and the ARL are considered "allied organizations" and are active participants in Alliance meetings and policy briefings.
3. The NCAA is not an Alliance member but participated in the Alliance 1999 Policy Forum and signed on to the Alliance policy document.
4. See the EDUCAUSE policy Web page at <<http://www.educause.edu/policy/policy.html>> for more details on the association's policy process and on issues that the policy office is covering.
5. See the EDUCAUSE Web site at <<http://www.educause.edu/netatedu/contents/events/mar2000/>> for more information on "Networking 2000."

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