

Acceptable Computer Use on Campus: Responding to Objectionable Internet Material

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Abstract

University students, faculty, and staff have expressed concern about access to pornography on campus computers. This first of a two-part study is aimed at finding out the perceptions of university information technology officers regarding access to pornography on their campuses.

Current literature on the subject of Internet pornography viewed in an open place acknowledges that it is indeed a problem. Current legal precedent indicates that universities can regulate computer use, although current methods for regulating online pornography transmissions are varied and controversial.

This first of a two-part study reports a survey of chief information officers at ten public universities across the U.S. to discover current university policies and practices regarding what has come to be known as “acceptable computer use” and approaches to dealing with Internet pornography on campus. View a more complete version of this paper at <http://cc.USU.edu/~hilton/ISECON2002>.

Keywords: acceptable/appropriate computer use, internet pornography

1. INTRODUCTION

As part of a homework assignment, university students wrote on how their university should respond to obscenity on the Web. As an instructor, I was surprised by several students' fiery responses. One student's experience, in particular, raised a red flag that the university might have a pornography problem in its open-access computer labs. This student's unwanted exposure to pornographic images (in this case full-body photographs of nude women in sexually explicit poses) displayed on a neighboring computer screen in a university computer lab was disturbing, making this student feel disenfranchised and no longer safe or secure using the university computer labs.

Is this student over-reacting to harmless pictures, or is a student right to be concerned about unwanted exposure to pornography? Is this an isolated incident, or is this common to higher-education institutions throughout the USA? What about legal and ethical liability for public universities? Do these institutions have a right or an obligation to take measures to guard against unwanted exposure to pornography, or should freedom of expression and academic freedom take precedence? This is the first of a two-part study that will endeavor to respond to these questions.

2. STATEMENT of the PROBLEM

The Internet has revolutionized educational research and has become an essential research tool for university students, faculty, and staff. However, using this indispensable tool has become hazardous for many university community members who use the Internet for legitimate research purposes but are increasingly exposed to unwanted objectionable materials such as pornography online.

The pervasiveness of pornography on campus computers has posed a dilemma for universities: to act as a censor or as a purveyor of pornography. University administrators must understand the extent of this problem—including the university's legal and ethical rights, responsibilities, limitations, and liabilities—in order to make intelligent and ethical decisions regarding the viewing of pornography on campus computers.

To aid university administrators in achieving that goal, the purpose of this two-part study is to determine the extent to which pornography is displayed on university computers and examine how the prevalence of pornography on campus correlates with university policies and practices regarding Internet pornography and acceptable computer use.

3. REVIEW OF LITERATURE

Internet—Essential for University Community

The National Center for Education Statistics reported that access to the Internet has become almost universal for postsecondary students as well as for full-time postsecondary instructional faculty and staff. The development of the Internet has brought about the most significant change in human communication and learning since the invention of the printing press. (NCES, 2001)

Intrusiveness of Pornography on the Internet

Many Internet users are exposed to pornography when they are not looking for it. "... Sex on the Internet is not segregated and signposted like in a bookstore, and it is not easy to avoid. Some heavy-duty imagery is incredibly easy to stumble upon...[Internet users] do not have to be all that active in exploring the Internet to run across sexual material inadvertently." (Finkelhor, Mitchell, & Wolak, 2000)

A recent computing-magazine survey revealed that more than 40 percent of web users have stumbled across pornography by accident (Johnson, 2002). Unsuspecting surfers can also be routed intentionally to porn sites as a result of aggressive marketing techniques pioneered by Internet porn sites (Walker, 2001).

Effects of Pornography

Some have argued that pornography or obscenity, although it may be vulgar and tasteless, is still essentially harmless and has no real effect on the viewer and can do no real harm. However, to suggest that pornography does not or cannot have an effect (including a harmful one) is to deny the whole notion of education generally or suggest that people are not affected by what they read and see (Zillman, Bryant, & Huston, 1994). Clinical psychologist Victor B. Cline stated the following:

"If you say that a pornographic book or film cannot effect you, then you also have to say that Karl Marx's *Das Kapital*, the Bible, the Koran, or advertising also have no effects on their readers or viewers, and that is nonsense. But, of course, books and other media do have an effect on their consumers." (Zillman et al, 1994, p. 232)

Dr. Cline has treated over many years approximately 300 sex addicts, sex offenders, or other individuals (96% male) with sexual illness, including types of unwanted compulsive sexual acting out plus such things as child molestation, exhibitionism, voyeurism, sadomasochism, fetishism, rape, and so forth. With only several exceptions, pornography has been a major or minor contributor or facilitator in the acquisition of their deviation or sexual addiction (Zillman et al, 1994).

Empirical research by Dolf Zillmann and Jennings Bryant (1994) indicates that people exposed to repeated presentations of hardcore, non-violent adult pornography over just a six-week period develop callousness toward women; trivialize rape; develop distorted perceptions about sexuality; develop an appetite for more deviant, bizarre or violent types of pornography; are no longer satisfied with sex in their marriage; devalue the importance of marriage; and view non-monogamous relationships as normal and natural behavior (Zillmann et al, 1994).

Legal Considerations for Regulating Pornography

In corporate cases of an employee accessing and/or displaying pornographic material in the workplace, judges have consistently ruled in favor of employers (Ferrera, et al, 2001).

The Supreme Court has recognized that public institutions as well "have a legitimate interest in prohibiting dissemination or exhibition of obscene material when the mode of dissemination carries with it a significant danger of offending the sensibilities of unwilling recipients ..." (Harrison & Gilbert, 2000, p. 140).

The Supreme Court has recognized as well that a government entity, similar to a private property owner, has the "power to preserve the property under its control for the use to which it is lawfully dedicated." (Baker, 2000, p. 17)

Selected legal landmarks. Both the states and the federal government have statutory prohibitions against obscenity. Some significant legal precedents related to regulating pornography include the following (Harrison & Gilbert, 2000):

- 1) *First Amendment to the U.S. Constitution*-- Legal battles about pornography, including the following listed, often center on the First Amendment--the Constitutional right to freedom of speech (Ferrera, et al., 2001)
- 2) *Title VII & Title IX (Hostile Environment / Sexual Harassment Laws)*--Viewing pornography on university computers could give rise to a hostile environment sexual harassment claim. (Oldenkamp 1997)
- 2) *Roth v. United States, 354 U.S. 476 (1957)*-- "Obscene material is not protected by the First Amendment"
- 3) *Miller v. California, 413 U.S. 15 (1973)*--Test for obscenity outlined.
- 4) *Paris Adult Theatre I v. Slaton*--States' right to regulate obscenity upheld.
- 5) *Loving v. Boren, 956 F.Supp.953 (W.D. Okla. 1997)*--Universities may regulate use of campus computers. A university can (legally) limit the uses of its computers to specified purposes (i.e., to those

- uses that are consistent with the university's mission and legitimate goals).
- 6) *Urofsky, et al. v. Gilmore, 167 F.3d 191 (4th Cir., Feb. 10, 1999)*—State university can prohibit university employees' access to Internet pornography on state-owned computers.

Response Options

Employers may be liable if they knew about or tolerated the illegal conduct of their employee or recklessly disregarded the conduct by ignoring the obvious (Whitman et al, 1999). Likewise, a school could be held liable for sexual harassment if it did not restrict the use of its computers to exclude pornography that is disproportionately more offensive or demeaning to women (Baker, 2000). If the organization makes a "good faith effort" to prohibit impermissible activities, it can significantly reduce its potential for liability.

Acceptable-computer-use policy. One of the best instruments to reduce potential liability of an organization is a clearly defined computer-use policy outlining acceptable and unacceptable uses of organizational computer equipment (Whitman, et al, 1999). Once a formal policy is drafted, disseminated, agreed to, and enforceable, the organization has demonstrated "good faith effort" to comply with the law (Whitman et al, 1999).

Technology – filtering software. Some organizations have chosen to manage the porn-viewing problem with filtering software. However, according to Consumer Reports (Digital chaperones, 2001), these software programs designed to "filter" the Internet to protect students from pornography and other objectionable material still are not perfect—the study found popular filters allowed access to one in five sites with X-rated and violent content and blocked many sites with legitimate content--and filters are no substitute for good judgment, critical thinking, or active supervision.

Self-monitoring and third-party monitoring. The current inconsistency of filtering technology underscores the need to educate users to develop savvy Internet skills, and/or provide useable peer or supervisory monitoring options.

Internet surfing can be likened to a swimming pool. The Internet, like a swimming pool, can be a wonderful source of recreation and enjoyment with many benefits to users. However, users should be taught how to swim—or rather, surf the Internet safely. Peer and supervisory monitoring, like lifeguards, may be needed to ensure Internet users are safe and to remind them of the rules as needed. (Clifton, n.d.).

Multi-faceted approach. School officials need to be both educated and empowered and must be given support and tools. "Any successful strategy for regulating Internet pornography at the local level must

have some combination of the following three components: (1) filtration; (2) acceptable use policies; and (3) monitoring" (Alexander, 2002).

4. PROCEDURES

This study is designed to determine the extent to which pornography is displayed on public university computers and the correlation (if any) with university policies and practices regarding Internet pornography and acceptable computer use. The procedures are designed to fill in the gaps of previous research in order to identify those policies and practices that are most effective in dealing legally and ethically with pornography on campus computers. The first part of the study addresses this issue from the perspective of university policymakers.

Population and Sample Selection

The study population is limited to peer institutions (public land-grant universities of similar size) of Utah State University as defined by the Utah State Board of Regents (USU Peer Institutions, 1999). The study samples chief information officers of those ten universities throughout the U.S.

Study Design.

The sample was obtained by administering a questionnaire to university chief information officers (CIOs) to discover current university policies and practices regarding what has come to be known as "acceptable computer use" and approaches to dealing with Internet pornography on campus. (See Appendix for sample survey.)

Data Instrumentation and Analysis

Comments from university CIOs were analyzed using a constant comparative method to identify themes across multiple data sources and to define emergent categories.

Descriptive statistics were calculated to analyze the survey data. These statistics included frequencies, measures of central tendency, and dispersion.

5. FINDINGS

Response from University CIOs

Five of the ten university CIOs completed all or part of the survey. One CIO refused to participate in the survey. Three of ten CIOs did not respond to the survey at all—even after repeated follow-up requests via e-mail and phone (speaking mostly to assistants). One CIO initially agreed to fill out the questionnaire but later declined. Two of the non-respondents later cited lack of time as the reason for their not responding to the survey.

Respondent findings. Some of the findings from the completed surveys include the following:

- All of the respondents (5/5) indicated that their university has a policy defining appropriate use of campus computers.

- All of the respondents (5/5) indicated their opinion that students' viewing pornographic material is not a problem at their university.
- 40 percent (2/5) of the respondents indicated their opinion that students' viewing pornography has no effect on students.
- 40 percent (2/5) of the respondents indicated that their university made no effort to protect students from seeing unwanted pornographic materials on campus computers.

Comments from University CIOs

Prioritizing other issues. Several comments from various university CIOs implied that the issue of students' viewing pornography on campus computers takes a back seat to other university priorities.

One CIO/IT Director stated that the number of cases of cyberporn on university computers "largely concern employee (mis)behavior--where sexual harassment and workplace climate are a greater legal risk and concern."

Another CIO/Vice Provost indicated "Violations such as serving up copy-protected music or video are of greater concern because of the copyright violation or bandwidth use."

Taking a moral position. One CIO/Vice Provost forwarded the survey to a computer management security officer to complete, expressing his reluctance to respond to the survey himself: "I have problems with some of your questions because they assume the university has made some judgment about pornography...[Some questions] imply a moral position at the university that I'm not the one to ask about."

Another CIO/Vice Provost wrote the following: "We treat our students as adults capable of making their own decisions about what they look at on the Internet and don't...instead of wasting our time on worrying about what our students are doing on the Internet..."

Understanding of the law. Some respondents' comments indicated an incomplete understanding of the laws regarding pornography regulation.

When asked "How does your university respond to students' viewing pornographic material on campus computers?", one CIO/Vice Provost answered "Do not respond" and he commented further that "only child pornography [is] illegal in [my state]."

Another CIO/IT Director wrote "...Public institutions are more likely to permit access to and viewing of pornographic images based upon First Amendment principles (i.e., pornography is a category of protected speech)."

Another respondent indicated "...due to privacy issues we do not monitor sites that students may look at. So unless there are criminal/illegal activities we would not be aware of students' internet habits...the university does not view users practices unless there is a legal requirement."

6. CONCLUSIONS and RECOMMENDATIONS

The university CIOs surveyed generally seemed reluctant to take a proactive leadership role on the issue of students' viewing Internet pornography on campus computers. Some CIOs do not have the time to give it priority or to fully understand the legal framework involved, leading to a reluctance to make decisions that many CIOs deemed as moral judgments outside the scope of their duties.

However, because of the harmful effects of pornography and the disruption it causes those doing legitimate university research, university administrators should carefully consider the following (and other thoughtful) response options:

Leadership from Central Administrators.

University central administrators must take the leadership role on this issue. University administrators do have the right and the obligation to ensure a safe learning environment for their university community. They can accomplish this as they seek to better understand the issue and assume a proactive leadership role in providing the necessary support to enforce the university acceptable-computer-use policy.

Student Training.

University administrators should educate students about their rights to a safe learning environment in university computer labs and about what they can and should do if they are the unwilling recipients of pornography displayed on campus computers.

Lab Assistant Staffing, Training, and Support.

University administrators should ensure that all university computer labs are adequately staffed with lab assistants who are trained and empowered to respond to complaints and to enforce the proposed acceptable-computer-use policy.

Technology Assistance.

University administrators should stay abreast of advances in technology and regularly consider technology options for monitoring and filtering Internet content displayed on campus computers.

7. REFERENCES

See <http://cc.USU.edu/~Hilton/ISCEON2002>.