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Sex, the network, and academic libraries

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Most academic libraries have not been targeted frequently by the content police or forced to defend the tenets of intellectual freedom. The academy, after all, is the source of a liberal education. It is the home of free expression which is not only encouraged but staunchly protected. Those who select titles for the library's collections are governed by policies which are broad and inclusive; few restrictions are applicable. In addition to this open and tolerant atmosphere, there are few impressionable third-graders wandering in the stacks looking for a good book to read; no moms with preschoolers looking for a good story hour. Compared to many public libraries, academic libraries have operated under less scrutiny and fewer challenges from their primary constituents.

But this open and tolerant atmosphere does not translate into "anything goes." In fact, some academic libraries have found themselves in a recent cross-fire between freedom of speech champions and politically correct enthusiasts. Most academic librarians do not purchase pornography or contemporary hate literature for the collections, but they do select materials that can easily be seen as objectionable, offensive, and possibly obscene by some individuals. In contrast to public libraries which are usually challenged from the conservative right, academic libraries occasionally can find themselves challenged from a more liberal constituency for having materials which are seen as racist, sexist, or anti-Semitic.

Easy, open access to the Internet has added to this tension within academe. A female student may accept, but not like the fact that the library subscribes to Playboy. But if a male student next to her is accessing Playboy's online equivalent and displaying nude pictures on his screen, she may feel harassed. An African-American student may accept, but not like the fact that a skin head in the lounge is reading his personal copy of a white supremacist tabloid. But if another student has been broadcasting e-mail messages with links to white.males.forever@hate.com, the black student understandably may feel threatened.

Easy, open access to the Internet has also created some confusion about acceptable behavior within the academic library and the college or university. The Internet's history, short as it is, is firmly entrenched in free and open expression. But some students confuse freedom with lawlessness. Most students would not dream of printing several hundred copies of a libelous diatribe and distributing these to patrons as they entered the library. Some of those same students, however, would feel no compunction at sending the same message over the network. Another source of confusion is related to the way information is delivered and accessed. It may be acceptable for a student to read his/her own pornographic magazine in the library, but what if that individual chooses to access the same information in a way that crosses the boundaries of personal space, e.g., on a computer screen facing a public corridor?

Use of networked resources in an academic setting can create confusion over legal rights, but it also creates the opportunity to educate students and to affirm the values of free expression, community, and civility. Academic libraries should be part of this positive process. Although each campus may have slightly different practices and policies, there are some general guidelines that can be used to increase awareness and sensitivity, reduce confusion, and prepare library employees to respond appropriately when complaints are made.

Consult the institution's legal council. It is very important for library policies to be congruent with campus-wide policies on acceptable behavior and use of networked resources. The university's attorney can help to ensure consistency with existing policies, explain any vagaries in state law, and outline the university's rights which may transcend certain statutes. For example, the Oregon Supreme Court has ruled several obscenity statutes to be unconstitutional and has held that obscene communication is protected under the First Amendment. On the other hand, certain Oregon and federal statutes have been interpreted to give the university the right to infringe on the freedom of obscene speech if it is materially disruptive to the educational process. Universities also have the right to enforce reasonable regulations as to the time, place, and manner of speech and its dissemination. The attorney can provide valuable information on what is legal, prudent, and consistent with university principles.

Define and distribute an "Acceptable Use Policy." Chances are there is already an acceptable policy on campus. The library may need to modify the statement to take special circumstances into consideration. If modification is necessary, the library's statement should follow the themes expressed elsewhere and avoid any deliberate or unintentional contradictions. If there's one thing college students do extremely well it is the ability to spot contradictions.

As a rule, general statements are more effective than a long list of prohibitions. If the policy is too specific about what is not allowed, someone will think it is permissible to do whatever is not mentioned. A good policy will have a general statement about rights as well as responsibilities. There are several good models available on the Internet. For example, the Minnesota Public Schools' statement says that "Internet use guidelines should have as their underlying value the preservation of students' rights to examine and use all information and formats and should not be used to place restrictions on student use of the Internet." While special restrictions on student access to Internet resources is not advisable in most cases, it may be necessary to remind students that unlawful behavior can take place on the network. For example, the University of Oregon's acceptable use policy states that "the University Conduct Code also applies to electronic forums. The code prohibits, among other things, unwanted sexual behavior, threat of physical harm, and sexual harassment."

Focus on intent and effect, not content. The library's philosophy and policies governing the use of networked resources should not focus on content, e.g., obscene or objectionable material. It is important to distinguish between an individual's personal use of written or graphic material, and more expressive forms of behavior such as lewdness, coercion, or threatening actions. When deciding on a course of action, the emphasis should be on the impact of the behavior in question. For example, most case law defines sexual harassment as targeted toward a specific individual. What about the female student who objects to another student's use of nude pictures on his screen? The female student complains that these pictures are easily visible on the monitor next to her, and she feels uncomfortable and intimidated. It could be difficult to prove that this situation constitutes sexual harassment. It is unlikely that these actions are targeted toward a specific individual, and the serious effects of this situation are debatable. What about the student who repeatedly sends the same graphic file to one female's account along with a personal message that expresses his interests? Here, the intrusion seems purposeful and the intentions dishonorable. It is not the graphic image that's the deciding factor; it is the actions of the individual and their effect.

Sponsor lectures and discussions on intellectual freedom and the use of the Internet. The best way to protect the rights of all library users and avoid playing the role of the censor is to educate students on matters of respect, self-discipline, and civility. Most academic libraries now offer a series of workshops on the mechanics of the network. Workshops and Internet courses should also offer students the opportunity to discuss the social, legal, and political aspects of networked communication. Most students know something about the First Amendment, but they may know very little about its corollary, intellectual freedom. By taking these more proactive educational steps, the library may avoid taking more questionable and reactive measures such as secluding some terminals for "private viewing" and confronting an unsuspecting student with the suggestion that he move or cease to use certain resources. Most students do not enter college with all the sensitivity training necessary to succeed in an adult world. The university and the library can play an important educational role in this area.

Train employees to respond appropriately to complaints. Intellectual freedom and the acceptable use of networked resources also opens the door for several stimulating staff development programs. It can be very stressful for staff to handle complaints if they have not had the opportunity to discuss the issues and principles involved. From the author's experience, most complaints do not warrant retributory action. However, some unusual situations call for a more intrusive and immediate response. For example, the staff at one university library were concerned about a patron's repeated visits and use of what appeared to be child pornography. Since strict laws apply to the use and dissemination of such material, the campus police and district attorney's office were notified. It was up to the legal authorities, not the library, to determine the extent of any crime which may have been committed on the premises. The library acted responsibly in the face of highly suspicious and potentially illegal activity. Staff should have the opportunity to discuss their responses to all situations related to the use of networked resources so that they can build a solid understanding based on experience and informed feedback.

Easy access to Internet resources has presented both a challenge and an opportunity for academic libraries. The apparent clash between one person's right to access information and another person's right not to feel intimidated by unwanted and threatening communication has forced academic librarians to become knowledgeable about intellectual freedom issues. Reasonable and responsible policies and practices are possible without resorting to censorship. The goals should be to maximize access to all forms of electronic communication, maximize freedom of speech and intellectual freedom protections, minimize any restraints placed on content, and minimize the disruptions to the educational process. **Q**

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