Concord University
Pornography and ICT Facilities Policy
Issued 2/17/05
Revised 3/13/08

Policy Statement

The University aims to prevent its staff, students, visitors and contractors from having unnecessary contact with pornographic material accessed through information and communication technologies (ICT). Contact with such material may not only be offensive but could also be construed as a form of harassment. All types of harassment are unacceptable, discriminatory and, in certain circumstances, unlawful. This Code aims, in particular, to prevent and address harassment arising from the use of University ICT facilities, or ICT facilities used on University premises, to access, display, generate, distribute, forward or store pornographic material.

The University seeks to maximize the opportunities afforded by ICT for teaching, research, and administration however these facilities must be used acceptably, responsibly, and legally. In particular, using ICT facilities to access, display, generate, distribute, forward or store material which may be offensive, pornographic, obscene or abusive is unacceptable and, in many cases, illegal. All such incidents will be treated seriously and could provide grounds for disciplinary action leading to dismissal or expulsion from the University. The University takes breaches of this Code seriously and will co-operate with efforts to prosecute anyone using its ICT facilities unlawfully.

If University ICT facilities are used in connection with pornographic material, a complaint should be made to the Director of Computer Services, the Director of Academic Technologies, the Director of Human Resources, or the head of department/division who will decide if the matter should be reported to Campus Police Office or if it can be dealt with by the University procedures outlined below.

Reasons for this Policy

Using ICT facilities in connection with pornographic material is unacceptable to the University and may also be contrary to criminal legislation. Furthermore, using ICT facilities in connection with pornographic material also contravenes the University's Code on Harassment. Harassment has legal implications in various types of legislation, including Health and Safety law. This policy also helps to ensure that University staff, students, visitors and contractors conform to the University's Acceptable Use Policy for ICT which defines accessing or making ICT pornography available as unacceptable. If such activities are not discouraged the University's internet link could be suspended and this would have far reaching negative implications.

Definitions

ICT pornography is understood by the University to be material of an explicit sexual nature which is made available, displayed, generated, distributed, forwarded or stored using ICT facilities such as the internet, software packages, email, storage devices, mobile telephones or computer hardware. The pornographic material may be in the form of visual texts, including photographs or moving images, such as video files including mpg, avi, and ram files, or written texts and may depict, for example, bestiality, pedophilia, sexual torture, incest, lewd display of genitalia, or depictions of lewd sexual activity.

The University acknowledges three exceptions to the Code outlined here. Firstly, the University is mindful that there is legitimate study and research into ICT pornography and associated issues and this is the only reason for deliberately accessing such material. Individuals must be able to show that the access is necessary to their work or studies and they are expected to exercise discretion to ensure that the spirit of the Universities Acceptable Use Policy is not contravened. They should take great care also that the material is not stored or displayed in a way that would offend others who may come into contact with it.

Additionally, there may be incidents involving the unsolicited receipt of ICT pornography and the University would NOT discipline an individual in such circumstances.

ICT Pornography Complaints Procedure

Action may be taken at two levels to address complaints of ICT pornography and these are outlined below. In less serious cases, it may be sufficient that disciplinary action is taken by the appropriate University authorities, such as Systems Managers. Other cases will be referred to Campus Police. A member of the Campus Police will decide on the severity of the offence. In general, the University will hand to the police incidents in which there is: pornographic material involving moving images; pornographic text or images with personal reference to the recipient; pornographic material circulated from Concord University to other organizations; pornographic material of a pedophile nature or containing references to bestiality. Advice on dealing with complaints about ICT pornography can also be obtained from the Director of Computer Services, Director of Academic Technologies, Director of Human Resources, or the Director of Campus Police.

Faculty/Staff

Any member of the faculty or staff found to have transgressed the Acceptable Use Policy with regard to ICT pornography will be subject to disciplinary action in accordance with their *Conditions of Service*. Disciplinary action may take the form of a verbal or written warning and, for serious misconduct, demotion, transfer or dismissal. Incidents of a more serious nature will also be referred to the Campus Police and the University authorities will be informed.

Students

Any student found to have transgressed the Acceptable Use Policy with regard to ICT pornography will be subject to disciplinary action. If appropriate, the incident may be dealt with by the Systems Manager or Head of Department. Incidents of a more serious nature will be referred for action under the major offences procedure, or to the Campus Police. There will be no further University action normally until the outcome of a police investigation when the Student Disciplinary Panel will consider the incident.

Monitoring

Incidents of ICT pornography dealt with by the University including those referred to the Campus Police will be tracked on an annual basis by Computing Services.

Responsibilities

The co-operation of all University staff, students, contractors and visitors is essential to ensure the success of this policy. The University is committed to acting positively to prevent

and address incidents involving ICT pornography and is involved in a program of staff training to heighten awareness about this important matter.