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An Information Strategy For Internet Enterprises

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An Exploratory Study of University Responses to Censorship, Free Speech and the Internet

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Abstract

This paper describes the early stages of an exploratory study of university responses to the issues of censorship and freedom of speech on the Internet. The emergence of the Information Superhighway as a major medium of information exchange in the academic community has led to new problems for university administrators to consider. Is it defensible for academic institutions to allow student access to such material as pornography and racist propaganda, or should the university take on the role of the censor? Many free speech advocates argue that censorship in any form should be opposed, while others claim that academia has an obligation to control the information that flows to our youth. A study detailing the scope of the problem and university responses to these concerns could be of great benefit to institutions currently facing these issues.

Introduction

The rapid growth of the Information Superhighway has given the faculty and students of almost every educational institution access to a wide array of information. While this has facilitated academic endeavors of many types, problems unique to the information age have accompanied the benefits. Perhaps the most visible of these issues is the availability of sexually explicit material, in both text and pictorial form, via the Internet. Similarly, while students now may have access to electronic forums for insightful discussions on particle physics or marketing strategies, they may also have access to racist newsgroups and/or recipes for bomb-making. This availability of information can create a conflict between the rights of computer-users to free speech and privacy, and the rights of universities, parents and society to restrict access to information that they deem unsuitable.

The communal nature of the university environment compounds the problem. There have been reports of students experiencing unease while working in computer labs where fellow classmates are viewing pornographic pictures easily obtained via the Internet (Rezmierski, 1995). Universities must develop clearly defined and defensible procedures to deal with these issues, or face the possibility of ethical and even legal conflicts in the future.

This paper describes the initial stages of an exploratory study of university responses to censorship and free speech issues on the Internet. A survey of academic institutions is to be undertaken to gather information on current university policies, university decision-making procedures, and conflicts that have already occurred.

Electronic Free Speech and Censorship

Free speech and censorship issues are not new. For example, Milton (1819) argued that freedom of speech is necessary for the discovery of truth. However, censorship and free speech in the electronic world has not been well analyzed.

Jensen (1995) used the First Amendment to study the specific case of electronic bulletin board censorship. He found that it is inconsistent with the treatment of other forms of media to hold the bulletin board operator liable for information posted by users and visitors. Dyson, et. al. (1996) laid out a "Magna Carta" for the information age and argued that an affirmation of freedom is needed as society enters a new frontier where the rules have not yet been fully developed. However, others have argued that information

technology may actually be increasing the distance between the "haves" and "have-nots" (e.g. Rowe, 1996). Schweinsburg (1995) calls for educated management to ensure that increased segregation does not become reality.

The rise in visibility of pornography on the Internet has led to greater political discussion. The Communications Decency Act (CDA) was introduced in Congress in 1995 and was passed as part of the sweeping Telecommunications Bill. The CDA subjects those who transmit lewd, obscene, lascivious or indecent material to prison terms and fines. It should be noted that, as of the writing of this paper, the Act has been temporarily struck down in Federal Court as unconstitutional, although the Government is expected to appeal (Sieger, 1996). The opposition, lead by the American Civil Liberties Union (ACLU), has argued that "Cyberspace" should retain the same First Amendment protection as does the print media. The ACLU also is urging services that provide Internet access to fight any legislation that restricts free speech in the electronic world (Jessell, 1995).

University Responses

Universities must address the issue of electronic censorship if they are to avoid possible future legal and ethical battles. Using First Amendment rights as the tenet for not censoring Internet transmissions does not guard a university from risk. Financial support may weaken from individuals and organizations that hold anti-pornography views. Legal challenges may also arise. The dilemma facing universities is: how much electronic access to information should academic institutions provide for the inquiring minds of our youth, and how should the ethical, moral and legal views of society and its various constituents factor into the decision-making process?

Carnegie Mellon University became one of the first institutions to use technology to block student access to pornography through the University computer system. A stated reason for this action was the vulnerability to legal action if an under-aged minor viewed the pornographic material (Schackner, 1994a). This decision led to student protests and condemnation from outside organizations (Schackner, 1994b). It should be noted that it is virtually impossible to block access to all intended material.

In a similar case, the University of Oklahoma restricted access to various newsgroups to limit the possibility of obscenity charges, despite the fact that no actions had been taken against the university. A faculty member filed a legal challenge to the move, claiming that his First Amendment rights had been violated. However, the lawsuit was struck down on the grounds that the professor offered no proof of damage or even evidence that anyone had ever tried to access the newsgroups from the University (Van Gelder, 1997).

Several institutions have begun the task of facing these types of concerns. Early in the decade, Lehigh University decided that the complexity of the issue was too great to allow the information systems group to dictate policy unilaterally (Foley, 1991). The University of North Carolina at Chapel Hill emphasized legal, ethical, technical, governance and economic issues in the creation of its information policy (Graves, Jenkin, and Parker, 1995). The University of Pittsburgh established a committee to plan a course of action and develop a policy, paying particular attention to the harassment issue in University computer labs (Hartzel, Peace, and Stiemann, 1996). While case studies such as these exist, there has yet to be a detailed study of university handling of these issues.

Interestingly, libraries may provide the greatest guidance to the academic community when considering the censorship scenario. Libraries serve the community and act as gatekeepers to vast quantities of information. Some have argued that it is proper and correct for librarians to act as censors, as completely free speech is dangerous and provides speech a classification that no other entity can claim. Others have argued that different people have different tastes, and that each person's views should be given equal consideration (Herring and White, 1995). An academic institution acts in a similar role as the librarian by providing the resources necessary to access electronic information, although the educational aspect of the university makes the issue more complex.

Research Method

It is proposed that a survey be undertaken to gather data regarding university responses to the problems and issues detailed above. At the time of the writing of this paper, a questionnaire is under development. A sample of approximately five hundred universities will be selected from the population of all academic institutions in the United States. Surveys will be mailed, faxed or e-mailed to the head of the information services department (or equivalent) with follow-up contacts taking place, if necessary. Prior to mailing, the questionnaire will be extensively pre-tested and pilot tested. The surveys will be confidential (although group totals may be released) and completely anonymous.

The questionnaire is being designed to gain insight into university policies and policy-making in the area of electronic censorship. A section will be included that gathers data on the processes used to develop the policies, what types of information are currently being censored, if any, and on any incidents that the university may have already faced.

Once the surveys have been collected, group totals will be calculated and exploratory statistical analysis undertaken. A comparison of private and public institutions is planned.

Conclusion

As "Cyberspace" becomes more and more a part of academia's daily life, unseen dilemmas will arise. The availability of pornography and sexually explicit material through the Internet has become an especially controversial and emotional issue. Universities must confront these problems and develop defensible and equitable policies. By proactively addressing the conflict, a university can foster an opportunity for community growth (Rezmierski, 1995).

This paper outlines the initial stages of an exploratory study of university responses to the issues of free speech and censorship on the Internet. The information gathered will help to identify the scope of the problem and could provide guidance for academic institutions currently attempting to develop policies in this area.

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