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2023

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## **Review of policies addressing the viewing of legal pornography in ARL libraries**

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This article uses document analysis to review the content of the policies available on the library websites of 119 academic member institutions of the Association of Research Libraries (ARL) for policies that address viewing legal visual (video or images) pornography on computers or mobile devices within library spaces. The authors seek to answer two questions: 1) Do other academic libraries which are peer institutions of our library have policies that address patrons viewing legal pornography in their spaces? and 2) Are these policies clear on their stance regarding legal pornography, or are they ambiguous?

Keywords: policies; Association of Research Libraries (ARL); library user behavior; internet pornography; document analysis

### **Review of policies addressing the viewing of legal pornography in ARL libraries**

In spring 2019, there were two incidents in our academic research library in which an adult patron was observed viewing pornography on a computer in a public area. Several students complained to library staff, indicating that this behavior made them uncomfortable. These situations were resolved when the patron (the same each time) left the library before staff could speak with them. Our building use guidelines do not address viewing pornography, which can make it difficult for library staff to respond to such situations. These incidents prompted the authors to wonder how other academic libraries handle adults viewing legal pornography on computers in the library.

The authors decided to use document analysis to review a select group of academic libraries' policies and guidelines to answer two questions: 1) Do other academic libraries which are peer institutions of our library have policies that address patrons viewing legal pornography in their spaces? and 2) Are these policies clear on their stance regarding legal pornography, or are they ambiguous?

Going into this research, the authors assumed that policies addressing viewing pornography in academic libraries would be clear and unambiguous. We discovered that this was often not the case, with many policies not addressing the issue directly and using veiled and indirect references to pornography. Additionally, we found that a number of policies included references to illegal content, such as child pornography and obscenity, together with references to legal pornography, which added to the ambiguity.

We are interested in this question because of its implications for access to legally protected information for our researchers. The First Amendment to the U.S. Constitution guarantees the right to free speech, including the right to access information. Reading and viewing pornography (except for child pornography and obscenity) is a legally protected activity and pornography is a legitimate area of academic study. Researchers should be able to access materials and resources from the libraries' collections and the internet as appropriate for their area of study.

Why is it important that libraries have policies for appropriate behavior? The American Library Association's (ALA) "Guidelines for the Development of Policies and Procedures Regarding User Behavior and Library Usage" explains it this way: "To ensure the effective delivery of service and to provide full access to library resources, libraries should develop policies and procedures to address user behavior that may interfere with others' use and

enjoyment of the library.” (last modified, August 16th, 2020). Most universities have policies outlining appropriate user behavior, especially in popular buildings such as libraries, recreational centers, and dormitories. Policies and guidelines may be created to address specific actions or concerns, or in response to laws impacting the institution, such as maintaining an environment free of hostile behaviors, and are usually developed with input from a variety of stakeholders. Policies can guide staff by outlining the expected response to a situation. This is important not just to provide a standard set of actions to follow, but also to treat every user equitably, without bias, prejudice, or profiling. Policies support library workers to avoid case-by-case decision-making, where the library worker and/or patron may be uncomfortable or conflicted. With policies in place, patrons know the expectations for their behavior and library workers can enforce rules and guidelines with confidence.

### **Definitions**

Pornography can be defined as “the depiction of erotic behavior (as in pictures or writing) intended to cause sexual excitement” (Merriam-Webster Dictionary, n.d.). Another definition is “sexually explicit material (verbal or pictorial) that is primarily designed to produce sexual arousal in viewers” (Stanford Encyclopedia of Philosophy, last modified Oct. 1, 2012). Sexually explicit material can be defined as “an audio recording, a film or video recording, or a periodical with visual depictions, produced in any medium, the dominant theme of which depicts or describes nudity, including sexual or excretory activities or organs, in a lascivious way” (“10 U.S. Code § 2495b - Sale or rental of sexually explicit material prohibited,” n.d.). Most pornographic material created for consumer use can be legally accessed by adults, though some material may be considered harmful to minors.

According to Cornell's Legal Information Institute (LII), obscenity is "a category of speech unprotected by the First Amendment. Obscenity laws are concerned with prohibiting lewd, filthy, or disgusting words or pictures." (Legal Information Institute, Cornell School of Law, n.d.). As LII goes on to point out, there are disagreements over what is considered obscene and therefore not protected by the First Amendment, and what is considered material that may be distasteful to some, but is still protected. LII points out that all 50 states have individual laws regarding obscenity. Because some of the ARL member libraries we looked at are located in Canada, we were also guided by section 2 of the Canadian Charter of Rights and Freedoms, which notes that "freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication" is a fundamental freedom. It goes on to say that "freedom of expression may be limited by laws against hate propaganda or child pornography because they prevent harm to individuals and groups." (last modified Dec. 13, 2022)

For this study, we were specifically interested in the viewing of pornographic images and videos ("internet pornography"), as opposed to print materials often collected by academic libraries which contain pornographic images. We categorized references to legal pornography and references to sexually explicit materials together. We also grouped references to obscenity and child pornography together as a single concept. Although our focus was on legal pornography, we noted when illegal content was referenced in library policies and we took specific interest when legal pornography was included with obscenity and illegal pornography in a policy, since this makes such policies very ambiguous.

### **Literature review**

The authors conducted a literature review using our libraries' discovery tool (Ex Libris' Primo VE), as well as two library-specific databases: Library Literature & Information Science and

Library, Information Science & Technology Abstracts (LISTA). The keywords we used included pornography, academic libraries, policies, intellectual freedom, and patron behavior.

Intellectual freedom and the freedom to seek uncensored information and material is a long-held value within the library profession. ALA has produced a wealth of statements, documents, and guidelines focused on censorship and access within libraries, including the Library Bill of Rights and the Freedom to Read Statement. The Library Bill of Rights (2019) states

III. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.

IV. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.

The Freedom to Read statement (2004) asserts that “There is no place in our society for efforts to coerce the taste of others, to confine adults to the reading matter deemed suitable for adolescents, or to inhibit the efforts of writers to achieve artistic expression.”

More recently (2015), ALA published a statement on internet filtering, as interpreted through the lens of the Library Bill of Rights. This statement points out that filters are often flawed, and either block constitutionally protected material or fail to filter out the exact content they are meant to filter out. Therefore “...consistent with previous resolutions, the American Library Association cannot recommend filtering.” They acknowledge that some libraries, especially public and school libraries, are beholden to local or state laws which mandate filtering as a requirement for receiving state or federal funding.

In fact, many libraries that rely on state or federal funding are required to comply with the Children’s Internet Protection Act (CIPA, 2000) in order to receive those funds. Such libraries need to install content filtering software to block obscene images or images of child

pornography, as well as those deemed “harmful to minors.” Public libraries face challenges which academic libraries do not, such as the requirement to comply with CIPA in order to be eligible to receive federal funding.

The authors of this paper did not find any academic studies exploring policies about viewing pornography within academic libraries on a large scale. There were articles exploring ethical issues in reference (Luo, 2016), personal religious beliefs and how they relate to librarianship (Fruehling, 2000; Kaihoi, 2014), as well as numerous articles about Internet usage policies (Weessies & Wales, 1999; Sanborn, 2000; Smith, 2002; Orenstein & Stoll-Run, 2014). The authors did find one article about the selection and cataloging of adult websites which makes the argument that viewing pornography in academic libraries should be permitted (Dilevko & Gottlieb, 2004).

In the 2020 article “An analysis of American public libraries’ policies on patron use of Internet pornography,” researcher and government information librarian Hannah Edlund conducted a quantitative survey, as well as qualitative semi-structured interviews, with public librarians across the United States. Edlund received 96 responses across 35 states to her 20-question survey. 58.3% of respondents shared that their libraries prohibit patrons from viewing legal internet pornography, 25% allow viewing pornography under certain conditions, and 5.2% allow viewing pornography with no limitations (p. 62). It must be noted that Edlund was specifically looking at the policies of public libraries, which serve a much more age-diverse group of patrons than academic libraries, which typically provide services to adult patrons and not children.

One additional notable article is Bresnahan's 2022 exploration of academic library policies and how they portray students. Though Bresnahan reviews policies similar to what the authors of this article reviewed, they did not specifically look at policies regarding pornography.

The authors did not find research that specifically looks into the current policies in place in academic libraries that relate to legal pornography viewing. Thus, we feel that there is a gap in the research and our goal was to conduct document analysis of policies regarding pornography in academic libraries as well as to begin a conversation about this issue.

## **Methodology**

We chose to review the policies and guidelines (referred to collectively as "policies" here on out) for the Association of Research Libraries (ARL) members to see how or if they address the issue of users viewing legal internet pornography in their spaces, and conducted a document analysis of the policies available on their websites. By limiting our scope to ARL libraries, with its 127 members, we were able to create a discrete group of primarily academic libraries for analysis, all of which are located in the United States and Canada.

Because views on pornography, as well as intellectual freedom, vary significantly from culture to culture, we wanted to focus on academic libraries within the United States and Canada. Further, because the authors' institution is an ARL member, we wanted to focus on peer institutions. This made the ARL member libraries an ideal group of academic libraries to focus on.

We eliminated seven ARL member libraries (Boston Public Library, Center for Research Libraries, Library of Congress, National Agricultural Library, National Library of Medicine, New York Public Library, and Smithsonian Libraries) from our review as they are not college or university libraries and also eliminated one ARL member library (Bibliothèque de l' Université



Laval) because their policy documents are not available in English. This created a pool of 119 college or university libraries for this study; for the institutions with multiple locations, campuses, and libraries, we treated them as a single entity.

We restricted our search to those policies that could be found directly on or linked from each library's website. We wanted to limit ourselves to policies that would be reasonably easy for a library user to find and not something that we had to dig for by asking about the policies via library chat or emailing the library. Typically, we looked for policies labeled as "computer use" or "acceptable computer use," "code of conduct," "building use," "patron behavior," etc. When we found a policy that looked relevant, we recorded the URL, the name of the policy, the date it was created or most recently updated if that information was available, and any wording relevant to our research. It is important to note that while many of these policies were library policies, others were university level policies regarding acceptable use of technology. We included such policies that were directly linked from library websites.

We considered these policies relevant if they included direct references to legal pornography or sexually explicit material viewed on computers, and what we termed "veiled references" to these topics, such as "Displaying material on computer workstations that others might find offensive," wording used in a policy found on the University of Alabama Libraries' website.

Although our focus was on legal pornography, we noted references to illegal material, such as child pornography and obscenity. We found that in some policies illegal and legal material were lumped together. We will discuss this in more detail below. We also omitted references to sexual behavior and harassment.

## **Findings**

Among our findings, nine, or 8%, of the library websites we reviewed had no policies that we could find; fifty-nine, or 50%, had policies but none that addressed pornography; seventeen, or 14%, had policies that referenced child pornography, obscenity, and/or put legal pornography in the same category as illegal obscenity; twenty-one, or 18%, had veiled references to pornography; and fourteen, or 12%, addressed pornography and/or sexually explicit material directly. Please note that these numbers add up to more than 100% since one library had policies which fell into more than one category.

There was much ambiguity in what we discovered. For example, a number of policies reference “pornographic or obscene materials.” This made it difficult to decide whether the policy was referring to legal pornography, illegal obscenity, or both. The categories were often not clear-cut and the messages were often opaque, allowing room for interpretation.

In these ambiguous situations, the authors had to trust our interpretations of what was being said. Policies that mentioned “material that may be offensive to others” could be referencing anything from hate speech to videos from slaughterhouses to child beauty pageants. However, given the context of these policies, we interpreted them to be referencing internet pornography.

### **Direct references to legal pornography are rare on ARL member’s websites**

Fourteen of the libraries we looked at, or 12%, had policies that directly referenced legal pornography (or “sexually explicit material”) in a way that was unambiguous and didn’t equate pornography to illegal material such as “obscenity” or child pornography. An example of an unambiguous reference to legal pornography is Oklahoma State University Library’s “Rules of

Conduct” policy:

Viewing Sexually Explicit Material. The Library does not seek to censure what adults view on public computers. However, if a complaint is received regarding the material being viewed, we will investigate the situation. During situations such as these, Library staff may determine that the University Sexual Harassment Policy requires you to cease viewing such material. (February 28, 2023)

The wording in the above policy was perhaps the gentlest of those that unambiguously addressed the viewing of legal pornography. The majority of direct references to legal pornography prohibited the viewing of such material and tied this activity to a hostile environment. An example of such a policy is University of Hawai‘i at Mānoa Library’s “Public Computer Use Policy,” which states:

It is also University policy that: Displaying of sexually explicit images or sounds where others can see or hear them may create a hostile environment and could constitute sexual harassment according to University policies on sexual harassment. Library staff may intervene and direct users to cease this activity... (June 19, 2017)

### **Veiled references to pornography were more common—and gentler**

Twenty-one of the libraries we reviewed, or 18%, had at least one policy with veiled references to pornography (a few had more than one policy with veiled references). These veiled references to pornography tended to be “gentler” in their approach to such material—often warning the reader that offensive material exists on the internet and to be mindful of other users. An example of this type of policy is Johns Hopkins University Library’s “What is Acceptable Use for the Internet in the JHU Libraries”:

Although the Libraries do not monitor or censor the information choices of JHU affiliated library users, the open display of some materials may create an intimidating, hostile or

offensive environment for some library users. Internet users in [sic] should be aware of and respect others' desires not to be inadvertently exposed to images they find offensive...Library security will respond to complaints concerning the viewing of offensive material by other users if the person complaining feels that exposure to such content creates a hostile environment that impedes his or her educational activities. (August 16, 2017)

These veiled policies often put the burden of discretion onto patrons. For example, the University of Louisville Libraries' "Policy of the Use of Information Technology Resources" states:

The Libraries supports fully patron rights to access freely all legally available information within the range of Libraries resources. Not all materials available from such resources, including the Internet, however, are appropriate or suitable for public display. You should use the highest standard of judgment and discretion in deciding whether displaying such materials is acceptable and lawful in a public environment. (November 18, 2022)

"Offensive material" and "materials... [not] suitable for public display" could mean any number of things, including pornography, hate speech, artistic nudity, images of violence, and more. The authors feel that it is reasonable to assume that pornography is at least one type of material that is being referenced in these policies.

By using veiled references, remaining ambiguous as to what is actually being discussed, and putting the emphasis on patron discretion and consideration of others, libraries with these policies do not have to commit to outright banning the viewing of legal pornography (which might go against their values of freedom of access to information) while also allowing for the possibility of banning *specific situations* in which pornography is being viewed—for example, when a complaint is made or when a patron is judged as not being considerate to other users.

This ambiguity may be considered as a tool for academic libraries and academic librarians and library workers to balance the values of intellectual freedom and access to information while also maintaining a safe, non-disruptive environment for all patrons.

### **Some policies equated pornography with illegal material**

Seventeen of the library websites we reviewed, or 14%, referenced “child pornography” and/or “obscenity,” and some of these websites lumped legal pornography in with illegal materials. Although most pornography is protected by the First Amendment in the United States and by section 2 of the Canadian Charter of Rights and Freedoms, obscenity and child pornography are not. Therefore, when library policies link these terms together, they are essentially putting legal pornography into the same category as illegal obscenity, making it easier to prohibit it within their institutions. An example of a policy which equates pornography and obscenity is University of Alberta Libraries’ “Information Technology Use and Management Policy,” which explains:

Information Technology resources must be used and managed in a responsible manner. Use of these resources for disruptive, fraudulent, harassing, threatening, obscene (including but not limited to racist, profane, and pornographic in nature), or malicious purposes is strictly prohibited. (June 25, 2010)

### **Exceptions made for relevant academic research**

A few policies we reviewed, even when referencing “obscenity,” made exceptions for academic research. For example, Florida State University Libraries’ “What are the policies surrounding the use of University Information Technology resources?” section says: “However, University IT resources may not be utilized: To access or view pornographic or obscene materials unless necessary for academic instruction or research.” (July 30, 2022)

Another example is University of Wisconsin-Madison Libraries’ “Acceptable Use of Information Technology Resources” policy, which states:

...unacceptable use of UW System IT resources for employees, authorized contractors and vendors, also includes the following: 6. Storage, display, transmission, or intentional or solicited receipt of material that is or may reasonably be regarded as obscene, sexually

explicit, or pornographic, except as such access relates to bonafide [sic], university-related academic or research pursuits or as needed to investigate violations of this policy or laws; (October 6, 2017)

The idea that watching pornography may be part of valid, academic research is legitimate. Several universities offer courses that address pornography, either currently or within the past ten years. Westminster College in Utah includes FILM-3000 in its spring 2022 online catalog: “Porn: Hard core pornography is as American as apple pie and more popular than Sunday night football. Our approach to this billion-dollar industry is as both [sic] a cultural phenomenon that reflects and reinforces sexual inequalities (but holds the potential to challenge sexual and gender norms) and as an art form that requires serious contemplation. We will watch pornographic films together and discuss the sexualization of race, class, and gender and as an experimental, radical art form.” Oregon State University offers NMC 427 – Digital Pornography in Spring, Summer, and Fall 2023: “Exploration of the prominent role pornography plays in digital communication innovation globally including the examination of social consequences; diffusion of technology, business models and economic impact; legal, ethical, and moral issues; and community health and well-being.” Other academic courses that focus on pornography include ENGL 184 - Capstone Seminar: English: Pornography and Politics of Sexual Representation, offered by UCLA in winter 2021 and WGS.640: Understanding Pornography offered by MIT in fall 2018.

Because pornography is a legitimate area of academic study, it stands to reason that academic library patrons may need to research and view pornography as part of their studies. However, very few policies we reviewed addressed this directly.

### **Discussion and implications for further research**

The authors began this research believing that policies regarding viewing legal pornography

within academic libraries would be unambiguous. However, after a review of the library policies of the ARL libraries' websites, we found that it was not always clear or obvious what was allowed and what was prohibited. What we found ranged from watching pornography being outright prohibited, to prohibited unless it was for academic purposes, to being discouraged but not explicitly banned, to reminders that patrons be considerate of others. Many policies had mixed messages—for example, affirming the freedom to access information, but urging patrons to exercise judgment in what they viewed on their computer screens in shared spaces.

The authors feel that these mixed messages and unclear boundaries do offer librarians and library employees flexibility in responding to complaints about patrons watching pornography in their libraries. If a patron is being discreet, using headphones, and has a legitimate (however that is defined) academic reason for viewing pornography, the library employee has the latitude to permit this activity and ask other patrons to move to another location if they are uncomfortable. However, if a patron appears to be viewing pornography in a way that is distracting or creates an environment that could be considered harmful, library staff can ask them to stop and even ban them from the premises.

While this flexibility can be crucial for library employees to make decisions based on their own judgment of the situation, it can also put those same employees in a bind. If one patron is allowed to continue viewing pornography and another is not, the library may be perceived as having favoritism towards particular patrons, or allowing some types of pornography but not allowing other types. It may give patrons more fuel to push back on library employee decisions that they disagree with. It may open the door for community complaints about the library being inequitable on an issue that seems clear-cut to many people.

We conclude that many academic libraries do not have clear policies on viewing legal internet pornography within their spaces. The reasoning behind this lack of policies could be one avenue for further research. Whether having no clear policy is simply a lack of oversight or a deliberate choice in order to allow librarians and library staff to give leeway to researchers viewing pornography for academic purposes is unclear. Additionally, more research into the choices librarians or library staff make in these situations would give insight into best practices for creating policies about pornography that reflect the culture, expectations, and research needs of each academic library's community.

The issue of viewing pornography in academic libraries is understudied, especially given changing social norms and a culture that is more frequently "online" than ever before. Researching different approaches academic libraries take when confronting this issue can only benefit the profession and provide guidance for libraries looking to create a fair and even-handed policy that balances the freedom to access information with creating a safe and welcoming environment for all patrons.

### **Acknowledgments**

The authors wish to acknowledge the support of our colleagues at VCU Libraries, specifically Megan Hodge, Hope Kelly, and Nia Rodgers, for reviewing the draft manuscript and providing quality feedback that allowed us to improve our work.

### **Funding details**

No funding was received for this work.



## Disclosure statement

The authors report there are no competing interests to declare.

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