| BY A. GRAHAM PEACE

Many universities do not consider the topic of censorship important enough to address in a formal way— but the legal and ethical risks of neglecting this issue should not be ignored.

BALANCING FREE SPEECH AND CENSORSHIP: Academia's Response to the Internet

Universities are often hailed as bastions of free speech—places where censorship is reviled and students are given the freedom to explore differing opinions. However, this attitude was developed in a time when information flowed less freely than in today's world of the Internet. Technology has made available a wealth of knowledge, but along with Web sites dedicated to scholarship and harmless entertainment are sites that promote pornography, racism, and criminal activity. Should institutions of higher learning allow this material to be easily perused through on-campus labs and dormitory Internet connections? A conflict exists between the rights of students and faculty to free speech and privacy, and the obligation of universities, parents, and society to restrict access to information deemed unsuitable for our youth. The communal nature of academia further complicates matters. Controversial information is often accessed in computer labs, potentially exposing other computer users to information they may find offensive.

ILLUSTRATION BY TOMASZ WALENTA

Throughout history, politicians and philosophers have debated the right of free speech. The rise of the Internet has expanded the censorship debate to include subject matter such as cyber-pornography, and in the wake of the events of Sept. 11, 2001, information deemed politically undesirable. The results of these debates will have important legal and ethical ramifications for Internet service providers, including the academic arena. Institutions relying on monetary support from outside sources may also need to incorporate awareness of the censorship debate into their financial and publicity considerations.

In the workplace setting, a case can be made for Internet censorship, as employees are paid to perform a task by a company that owns the technology being utilized, although frequent Internet usage may be linked to increased employee happiness [3] and learning [1]. However, in academia, intellectual and social development take place as much outside of the classroom as in it, making it more difficult to find the limits that may need to be set. Universities have struggled with the issue of what, if any, Internet sites to censor, and how to cut off access to unwanted information. Simply censoring sites or newsgroups based on keywords, for example, could inadvertently restrict access to legitimate educational sources, such as medical sites. Efforts to censor have also met legal challenges, although not taking action may also create legal problems. The University of Oklahoma initiated a policy of censoring pornographic Web sites based partly on a concern over potential lawsuits, but the policy was immediately challenged in court by a faculty member [4].

One of the few research papers specifically regarding university responses to these concerns argued that information under scrutiny can be viewed as either legal or illegal, and as either ethical or unethical [2]. This approach allows for the formation of a two-by-two matrix. Legal and ethical information must clearly be uncensored and made available to all who have an interest. Information that is unethical and illegal must be censored. However, gray areas exist where information is considered either illegal but ethical (for example, gambling sites are illegal in some areas, but considered ethical by many individuals), or legal but unethical (for example, pornography is considered unethical by many individuals,

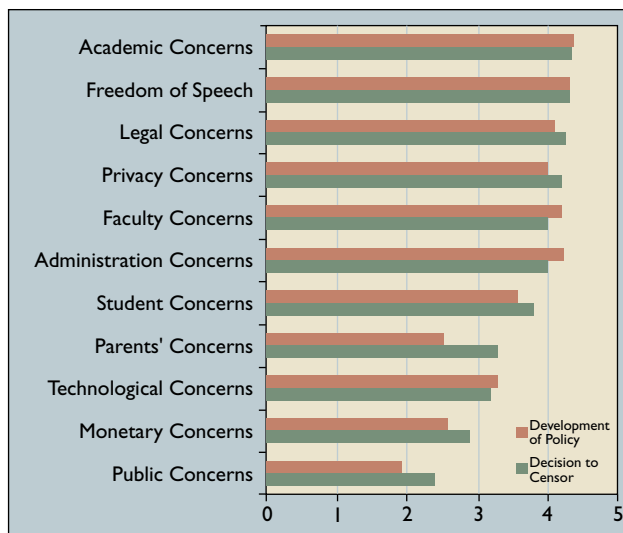| Public or State Funded Universities	47 %
Private Universities	53 %
Average Number of Students	11,000
Internet Access Provided in Computer Labs	99 %
Internet Access Provided in Some Classrooms	99 %
Internet Access Provided in Some Dorm Rooms	89 %
Limit Access to Some Internet Sites	4 %
Limit Access to Some Newsgroups	18 %
Formal Internet Censorship Policy in Place	34 %
Informal Internet Censorship Policy in Place	24 %
No Internet Censorship Policy in Place	41 %
No Formal Policy in Place, But Developing One	12 %

Table 1. Basic results of the survey (133 responses).

but is legal in some areas). A university must focus its policy-making energy on these gray areas.

To date, limited research has addressed how, or even if, colleges and universities are handling these issues. This article reports the results of an exploratory survey of U.S.-based academic institutions, undertaken in an effort to gauge the level and nature of Internet censorship in academia. A questionnaire was developed, pilot tested, and distributed to the heads of computer services departments (or equivalent) at 400 U.S.-based universities and colleges. Of the 400 surveys distributed, 133 (33.3%) were returned.

The basic results, illustrated in Table 1, include the finding that a significantly larger number of institutions limit access to newsgroups as opposed to Web sites. This finding is not unexpected, since newsgroups are technologically easier to censor. More surprising was the finding that institutions clearly do not see Internet censorship as a pressing issue on their campuses. When asked to rank the issue's importance on a scale of 1 to 5, the mean response was 1.67. Similarly, most respondents do not think it is likely to be an issue at their institution in the future (1.78 mean response on a five-point scale). However, over two-thirds of the respondents have received a complaint regarding information available on the Internet, mostly from students (45%), faculty (29%), and parents of students (20%).

Of those institutions with a formal policy in place, approximately 10% created that policy in response to an incident at the institution, and over 50% stated their policy is a factor in their operations. Also, those that censor view the issue as more controversial than those that do not. Those that censor also believe more strongly in the importance of developing a formal policy than those that do not.

When it comes to the decision of limiting student access, 40% have no individual or committee designated to make the final decision. Twenty-three percent give this power to a committee, often made up of faculty, computer services personnel, and university administration. In 13% of the responses, the head of computer services is listed as the final decision maker.

The respondents were asked to rate the impor-

tance of various factors in the decision to limit Internet access, if such a policy exists (see Figure 1). Not surprisingly, the two factors rated as important in the decision to censor were the philosophical issues of freedom of speech and privacy. Legal and academic concerns were also highly ranked. The concerns of the individual stakeholder groups were considered slightly less important, but still significant, while the more practical issues of technology and money were viewed as far less important. These findings suggest institutions are trying to "do the right thing," as opposed to simply considering the technological and financial aspects of the decision.

In most cases, when the decision to censor is under consideration, institutions involve all members of the university community, with legal advisors playing an important role. However, the role of public groups is often viewed as unimportant, which is somewhat surprising, given that universities and colleges play major roles in the community. Universities may be ignoring an important constituent group.

With frequent discussions in the media and political arenas on the topic of Web pornography, one would expect this content category to be a major consideration in the decision to censor, but pornography was a clear third choice, behind criminal and racist content. However, pornography was a significantly more important consideration for institutions engaged in Web censorship than for those not currently censoring the Web. Universities choosing to censor pornography may be worried about potential legal issues, which would be further complicated by the fact that many college students are under the legal age to view adult material. Sexist and anti-religious content rated slightly below the three categories mentioned here, while the general category of "non-academic content" ranked as significantly less
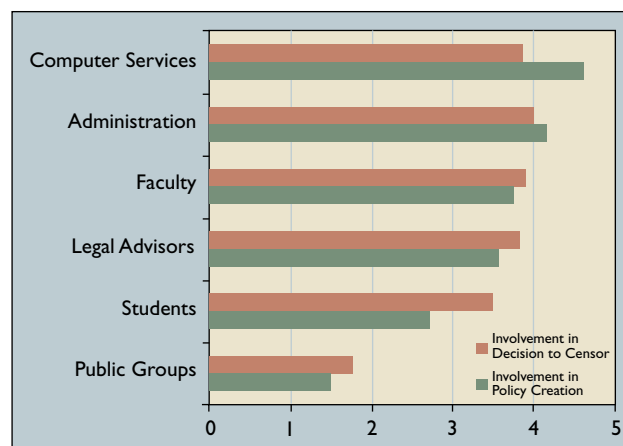

Figure 1. Importance of factors (rated on a scale of 1 = "very unimportant" to 5 = "very important") in the development of a formal censorship policy, and the decision to censor a Web site or newsgroup.

Figure 2. Involvement of stakeholder groups (rated on a scale of 1 = "not involved at all" to 5 = "extremely involved") in the development of a formal censorship policy, and the decision to censor a Web site or newsgroup.

important than the others, suggesting the surveyed institutions are not averse to allowing students to use academic resources for entertainment purposes.

Worth noting are several differences between institutions with and without a formal policy in place. Not surprisingly, those with a policy appear significantly better prepared to handle any possible controversies. While only 38% of those institutions with no formal policy had identified a specific decision maker, 84% of schools with a formal policy had identified a decision maker, reducing possible conflicts when decisions must be made. During policy development, schools must consider the practicalities of censoring; it is one thing to censor based on principle, but the censorship decision must be implemented. Institutions with policies appear more aware of practical issues that come into play in the decision to censor, such as technological, legal, and monetary concerns. The study findings indicate that computer services personnel clearly played a major role in policy creation (see Figure 2). This is not surprising, as this group must handle the tricky technological issue of cutting off access to censored information.

Fifty-seven respondents with a policy in place took the time to complete a second section of the questionnaire. Of this subset of respondents, 79% developed the policy proactively, while 9% developed a policy in response to an incident at

the institution (11% did not respond or did not know). The majority of the policies (53%) specifically stated that Internet access must not be limited; 13% limited access to certain information categories, such as pornography; and 15% determined access on a case-by-case basis. On average, the current policy had been in place for slightly over three years. Respondents were generally pleased with the policy effectiveness: the mean response on an effectiveness scale of 1 to 5 was 4.22. Over 20% of respondents stated the policy is a constant factor in institutional operations, another 36% stated the policy had been utilized in at least one situation involving possible Internet access limitation; and 40% stated they had never needed to utilize their policy.

As Figure 1 illustrates, many factors were considered important in policy development, with academic concerns and freedom of speech leading the way. As mentioned earlier, technology and monetary concerns were generally not considered important, and public concerns were considered unimportant.

> IN TODAY'S CHANGING LEGAL AND TECHNOLOGICAL CLIMATE, STAKING CLAIM TO PRINCIPLES SUCH AS PRIVACY AND FREEDOM OF SPEECH CAN HAVE MAJOR CONSEQUENCES.

While private and public institutions were similar in many ways, several differences existed. Private institutions were more likely to limit newsgroup access. Also, faculty and student concerns at private schools are more prevalent factors in the decision to censor than in public institutions, where legal advisors have much greater influence. These differences are expected. As private schools are not subject to the same legal environment as public schools, they may have more freedom to impose limits on Web access. Also, many private institutions have religious affiliations. The display of pornographic or other offensive information would be clearly deemed out of line with a religious organization's morals. Consequently, private institutions would be expected to be more likely to use censorship. Private schools may also have greater monetary and technological resources at their disposal to impose a censorship policy.

Interestingly, the perceived effectiveness of the formal policy was correlated with several factors. The higher the level of administration and faculty involvement in policy formation, the more effective the policy was deemed. The degree of importance assigned to legal concerns in policy development also correlated positively with perceived effectiveness. A surprising negative correlation was found: the inclusion of parental concerns in policy creation was negatively correlated with the policy's perceived effectiveness. This may be due to the fact that parents are only loosely tied to the academic community and are unfamiliar with its detailed workings. Many parents live long distances from the academic institution and only visit on rare occasions. Unlike professors, administrators, and students, their views may not reflect the realities of the current state of the institution, and therefore may not be useful in policy creation. Further research into this result is warranted.

Another surprising finding: the degree of involvement of computer services personnel in the decision to censor was also negatively correlated with perceived policy effectiveness. As previously stated, these individuals rated as the most involved group in formal policy development—probably due to the fact that formal policy development must take into account what can and cannot be censored, given the state of technology.

For institutions that wish to develop a formal policy, this research yields several useful results. Since the roles of both administration and faculty correlate with the formulation of a policy perceived as effective, it appears logical that inclusion of these two powerful groups in the process will lead to greater support for the policy among university personnel.

The study results also suggest the importance of involving other parties in the censorship decision besides computer services personnel, to counterbalance the negative effects of computer services' involvement on perceived policy effectiveness. While those attempting to develop a policy can gain technical expertise from computer services personnel, who are likely to understand the hardware and software issues involved in formulating such policies, involving other parties ensures the consideration of legal, ethical, and social issues that may be neglected by computer services personnel, who are more concerned with technological issues.

Conclusion

The study findings give a clear impression that censorship is not generally desirable to institutions. A majority of U.S. institutions do not censor in any way, and over 50% of those institutions with formal policies in place specifically state that the Internet should not be censored. With the historic tendency of academia to be on the side of freedom of speech, this is not unexpected. However, in today's changing legal and technological climate, staking claim to principles such as privacy and freedom of speech can have major consequences. Further investigation of this topic is warranted, both in the U.S. and globally.

The results of this survey also indicate that many U.S. institutions do not consider this topic important. A significant percentage of academia has yet to develop policies regarding censorship, or to identify individuals or groups responsible for making these decisions. The prevailing view seems to be one of a lack of concern, but the legal and ethical risks of neglecting the censorship issue cannot be ignored. Universities must examine the roles they play in the dissemination of information to our youth. The development of a thoughtful and enforceable policy will greatly reduce the occurrence of legal or ethical dilemmas, and can be used to foster a constructive discussion of this important topic. Those institutions that have spent time and effort developing policies and identifying decision makers will be better prepared to face the uncertain future of academia and the Internet. ■

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