IT Standard: Electronic Access and Exposure to Potentially Offensive Material

[Currently SPG 601.16]

Major Differences Between Current and Proposed SPG (Standard)

- It is proposed that the current SPG be replaced with a new Standard, as defined in the U-M IT Policy Development and Administration Framework.
- This Standard highlights a specific aspect of individual responsibility and institutional values and expectations dealing with subject matter that can be particularly controversial. The SPGs that this Standard falls under are Proper Use of Information Resources (SPG 601.07) and Freedom of Speech and Artistic Expression (SPG 601.01). SPG 601.07 defines good digital citizenship that all applies to all members of the U-M Community. SPG 601.01 articulates the university’s commitment to the broadest range of freedom of speech, artistic expression, and academic freedom.
- The proposed Standard retains very little of the text of the original SPG.
- The current SPG was published in 1997 when shared computer labs were more the norm and many students did not have individual computers. The new Standard is more directed at articulating individual rights and responsibilities related to viewing potentially offensive material and less on the guidance provided to departments that was the focus of the current SPG.
- The new Standard accounts for an institutional policy on personal web and social media pages that did not exist at the time the original SPG was written.
- Policy provisions are more explicitly defined and laid out.
- A section on Reporting Obligations has been added.
- Violations and sanctions are more clearly defined and spelled out.

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I. Overview

The university highly values, encourages, supports, and protects freedom of expression and an open environment for sharing information and ideas. University policies concerning freedom of speech in the context of electronic communications are always evolving, consistent with national and state law.

The university’s policy on electronic access to potentially offensive material balances the essential principles of academic freedom, which includes both rights and responsibilities. The members of an academic community should have the right to access whatever electronic material they need and to express themselves freely. At the same time, they have a
responsibility not to expose others to material they find offensive and/or engage in unlawful behavior.

In an environment where academic freedom and the free exchange of ideas are paramount, however, the university cannot completely protect users from the presence of material they may find offensive. As is the case with information in non-electronic formats, some materials accessed or made available electronically may be found to be offensive by some members of the U-M community.

Proper Use of Information Resources and Networks (SPG 601.07) and Freedom of Speech and Artistic Expression (SPG 601.01) serve as the overarching policies on which this Standard is based. This Standard establishes additional and mandatory requirements to ensure compliance with key provisions of SPG 601.07 while maintaining the principles of freedom of speech and artistic expression articulated in SPG 601.01.

II. Policy

A. All members of the university community must comply with all federal, State of Michigan, and other applicable laws, regulations, and university policies regarding electronic communications and operation of computer systems and networks, some of which contain regulations or provisions that deal with allowable and impermissible offensive material.

B. Censorship is incompatible with the goals of an institution of higher education and to the fundamental tenets of academic freedom. Faculty, staff, and students may access, view, and share material that is highly controversial or offensive while engaged in scholarly, teaching, and learning activities. Therefore, information accessible on the U-M network or on the web may not be restricted through censorship, Internet filtering, or policies restricting what individual members of the U-M community can access except when required by state or federal laws.

C. The university is a community of individuals with diverse values, beliefs, and sensitivities. Individuals should not be unwittingly exposed to offensive material by the deliberate and knowing acts of others. Individuals must be allowed to choose what they wish to access for their own purposes.

Related information on this topic may be found in the following policy:

- Sexual Harassment (SPG 201.89-0)

D. Some materials, such as child pornography, are illegal to possess or share under any circumstances, in any format, and in any venue. Knowledge or suspicion of such materials anywhere on campus requires immediate action on the part of any member of the U-M community.

E. U-M is not responsible for, and does not monitor, the content on personal web or social media pages of members of the university community.
F. Hate speech is speech that offends, threatens, or insults groups, based on race, color, religion, national origin, sexual orientation, disability, or other traits. In a community like U-M that values the dignity and well being of all, hate speech will always be condemned as antithetical to the core values of the community.

G. Members of the university community are personally responsible for the content they choose to communicate and share. They should be respectful and considerate in not subjecting others to content that is unlawful, harassing, obscene, defamatory or libelous, or racially, religiously, or ethnically insensitive or offensive.

III. Departmental Guidelines

Sensitivity to others in an environment of shared resources is important. Departments and units should take steps to protect individuals’ choice not to be unwittingly exposed to offensive material that may have been accessed by others. Departments and units should review any practices that may result in offensive material from electronic sources being left on shared or publicly available equipment, purposefully forwarded to others who are unwilling recipients, or displayed in such a manner as to create a hostile work or learning environment for others. Departments and units should encourage individuals who are inadvertently or purposefully exposed to unwanted materials to tell the sender that they do not wish to receive the materials and ask the sender to stop.

IV. Reporting Obligations

It is important for all members of the university community to act immediately when possible criminal activity is taking place, or if they are in circumstances where they may find themselves either a victim of or a witness to questionable activity, whether the actor is a member of the U-M community or not. If any of these are the case, take one of the following steps:

● Dial 9-1-1 if immediate emergency assistance is required or to report a crime in progress
● For non-emergency situations, call the U-M Police Department. Campus law enforcement professionals can help assess the situation and determine what other notification or action is necessary.
● Information on potential criminal activity also may be reported anonymously by calling the university’s Tip Line at 1-800-863-1355.

Members of the university community who are concerned about unwitting exposure to offensive materials that may be in violation of this Standard and other university harassment policies should contact:

● Faculty and Staff: IT User Advocate or Office of Institutional Equity
● Students: IT User Advocate or Office of Student Conflict Resolution

V. Violations and Sanctions

Violations of this Standard may result in disciplinary action up to and including suspension or revocation of computer accounts and access to networks, non-reappointment, discharge,
dismissal, and/or legal action. Discipline (SPG 201.12) provides for staff member disciplinary procedures and sanctions. Violations of this policy by faculty may result in appropriate sanction or disciplinary action consistent with applicable university procedures. If dismissal or demotion of qualified faculty is proposed, the matter will be addressed in accordance with the procedures set forth in Regents Bylaw 5.09. The Statement of Student Rights and Responsibilities and the Policy on Sexual Misconduct by Students provide for student disciplinary procedures and sanctions. In addition to U-M disciplinary actions, individuals may be personally subject to criminal or civil prosecution and sanctions if they engage in unlawful behavior related to applicable federal and state laws.

VI. References

Sexual Harassment (SPG 201.89-0)
Freedom of Speech and Artistic Expression (SPG 601.01)
Proper Use of Information Resources, Information Technology, and Networks at the University of Michigan (SPG 601.07)
Minors Involved in University Sponsored Programs or Programs Held in University Facilities (SPG 601.34)