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California Polytechnic State University

Feb. 20, 2003

To All Cal Poly Employees:

Questions have recently arisen in the local news media regarding the use of University computers for the viewing of sexually explicit materials. As the following statement makes clear, the University "neither approves nor tolerates the personal viewing of sexually explicit materials by its campus users of State-supplied computer resources."

This statement has been sent to both The Tribune and the Mustang Daily. The President and I are sending this to you in this form as well to ensure that the entire University community sees this statement and understands what our established policy is.

Paul J. Zingg  
Provost and Vice President for Academic Affairs

*Below is the statement from the Provost's Office sent to local media:*

In an editorial in the Friday, February 14 edition of The Tribune, it was asked whether Cal Poly approves downloading and viewing of pornography by its employees, using State-issued computer resources.

The short answer to this question is: no. Further, as permitted under current policy, Cal Poly has in the past and will continue to pursue appropriate actions against any employee it learns is engaged in such activity.

State law and University policy does permit some "incidental " personal use of State resources, e.g. use of phones or e-mail by employees to communicate with their children.

However, State law and University policy bar University employees from engaging in excessive use of computer equipment (or other State resources) for personal uses, irrespective of whether they are viewing sexually explicit or other less controversial material.

As The Tribune editorial notes, viewing of sexually explicit materials by employees in a workplace setting for personal pleasure may create a hostile work environment for co-workers. Under State law and University policy, it is not permissible for employees to engage in any behavior that creates a hostile environment for the campus community.

Under Federal and State law, and current University policy, downloading or viewing of illegal materials, including child pornography and sexually explicit materials deemed by community standards to be "obscene," is forbidden.

The laws and present University policies regarding excessive use, hostile work environment, sexual harassment and obscenity are clear and provide powerful policy tools for dealing with cases where employees ill advisedly and impermissibly use State resources to view sexually explicit materials.

The law is less clear, however, on whether public institutions, like universities or libraries, may put into place prior content-based restraints on the viewing of text or images, including sexually explicit materials deemed to be protected by the First Amendment . Through extensive consultation with University legal advisors, and cognizant of several Federal court decisions on this issue, we have determined that a simple prohibition against viewing of sexually explicit materials would likely be subject to legal challenge and may not present the University with as powerful a policy tool as laws and policies presently in place. Further, we believe any such prohibition would also be difficult to enforce in practice, legally vague and runs the risk of limiting and frustrating legitimate academic inquiry. However, despite these concerns, Cal Poly encourages further campus dialogue on this important issue.

In conclusion, we would like to assure The Tribune's readers that Cal Poly neither approves nor tolerates the personal viewing of sexually explicit materials by its campus users of State supplied computer resources.

Paul J. Zingg  
Provost and Vice President for Academic Affairs

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