

Deborah Johnson's Commentary on "What a Site!"

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What a Site!

While it is probably not uncommon for computer laboratories to be used to access pornographic material, this case is complex. This commentary focuses primarily on the difficult question of what Jessica and Frank should do. It does not address the definition of pornography or the issue of freedom of expression.

Jessica and Frank are right to be concerned. There are good reasons why it is improper for anyone to access pornography in a public or multi-user computer lab. Not only is the use of the lab for pornography a violation of the lab's purpose, the user runs the risk of exposing others to the pornography when they have not chosen or consented to being exposed. Those who are unwittingly exposed to pornography will not consider the lab a comfortable place to work. Women are likely to be made to feel particularly uncomfortable. Hence, the lab and even the university are put at risk of lawsuit and loss of research funding.

Jessica and Frank ought to be concerned. That much is clear. However, it is much more difficult to figure out what if any action they should take. Let's consider their options.

Jessica and Frank could do nothing. This response doesn't seem right. For one thing, it means that the problem persists and the risk to the lab and the university continues. Some ethicists might even argue that by doing nothing, Jessica and Frank would become complicit in the wrongdoing. They look the other way, and that allows the problem to continue.

Alternatively, *Jessica and Frank could tell the lab director what they know.* This course is probably their best option, for it is the lab director's responsibility to ensure that the computers in the lab are being properly used and that lab users find the lab a comfortable environment in which to work. Hence, telling the lab director about the incidents would help the director do the job of supervising the lab.

The problem with this alternative is that when Jessica and Frank tell the director what they know, they will have to convey their suspicions and evidence regarding Mark, as well as the initial experience of finding evidence of use of the computers for accessing pornography. In a perfect world, Jessica and Frank could count on the lab director to treat this information properly, not to jump to the conclusion that Mark is guilty, and not to take any rash action against Mark. However, since we don't live in a perfect world, Jessica and Frank are appropriately worried that telling the director what they know may have the effect of a false accusation. They worry that Mark may not be given a fair hearing.

A third alternative, aimed at protecting Mark from false accusations, is for *Jessica and Frank to confront Mark before saying anything to the lab director*. I don't think this option is a good idea; it seems somewhat shortsighted. Mark may deny the accusations, admit their truth or refuse to say anything. Either way, it is not clear what Jessica and Frank would accomplish. If Mark admits that he is the one who has been accessing pornography, has the problem been solved? There is no guarantee whatsoever that he will change his behavior. If, on the other hand, Mark denies the accusations, Jessica and Frank are no further ahead than before confronting Mark since they won't know whether he is telling the truth. Moreover, if Jessica and Frank confront Mark and get one of these responses, the director of the lab is kept in the dark about a problem in her/his domain of responsibility.

Yet a fourth alternative would be to *tell the lab director about the pornography but not tell about Mark*. This strategy would alert the director to the problem but would not point the finger at Mark. However, this course of action seems odd. If Jessica and Frank have some reason not to trust the lab director, then they should probably go to the lab director's supervisor. If, on the other hand, they trust the lab director, they should give her/him all the information they have, explain their reluctance about identifying Mark, and then trust that the lab director will do the right thing.

The second alternative is best. Doing nothing (looking the other way) does no good and lets the problem persist. Confronting Mark seems to be a version of "taking the law into your own hands." The outcome is unclear, and this option leaves the lab director out of the picture. Telling the director what they know acknowledges the director's authority and responsibility and gives the director the opportunity to do the right thing. The lab director has the responsibility (and hopefully some training and experience) to investigate the problem and deal with Mark.