

# Educators and Pornography: The “Unacceptable Use” of School Computers

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## Abstract

*More companies are requiring their employees to sign acceptable-use policies for Internet computers. Some employees are unaware of the implications of the policies, and do not realize the extent to which their activities can be monitored by computer technicians. In academia, three important cases of “unacceptable use” are those of Dean Ronald F. Thiemann, Professor Eric Neil Angevine, and Superintendent Robert Herrold. All three lost, or resigned from, their positions after pornography was discovered on their employer-owned computers. Several issues regarding “acceptable use” are common to all the cases, including privacy rights, the right of the institution to control its equipment, and who might see what is stored on that equipment. This paper explores these questions, and suggests guidelines for employers and employees.*

## 1. Introduction

With the increasing use of the Internet in the workplace, more companies are requiring their employees to sign acceptable-use policies. Issues regarding personal and professional conduct in relation to technology are now discussed in business meetings, online chat rooms, and in the courts, as employers, employees, lawyers and judges struggle to define “acceptable use” as it relates to a business’s equipment, technology, and time. The cases of Dean Ronald F. Thiemann, Professor Eric Neil Angevine, and Superintendent Robert Herrold are part of the discussion about what constitutes “acceptable use” and serve as examples of how something intended to be private can become public with devastating consequences. Criminal charges, negative media coverage, destroyed careers, and ruined reputations are only a few of the consequences faced by Thiemann, Angevine, and Herrold, which resulted from their “unacceptable use” of computers owned by their employers.

The cases share many similarities. All three men were prominent people in their careers and communities, and they all lost their positions due to viewing/storing por-

nography on computers provided by their employers. While the specifics of each case are different, some of the major issues regarding “acceptable use” are common to all the cases such as:

- What are the privacy rights of a person when using a computer provided by an employer?
- What rules *should* employers make to regulate employees’ use of company computers?
- What should the rules and consequences be regarding offensive or illegal activity?

## 2. Computers Provided for “Home Use”

*The case of Dean Ronald F. Thiemann.* After 13 successful years as the Dean of Harvard’s Divinity School, [Ronald F. Thiemann](#) [10] did not expect that requesting an upgrade of his hard drive would cost him his position. Although his request was the catalyst that resulted in his dismissal, he actually lost his position because it brought his prior actions to light. When Thiemann was compelled to [resign from his position](#) as Dean of the Harvard Divinity School in November 1998 [6], the press sought to find out why. However, Thiemann, his lawyer, and Harvard maintained silence about the reasons behind Thiemann’s resignation for months. It was not until May of 1999 that a Harvard spokesperson answered the *Boston Globe*’s questions regarding the case. The story of Thiemann’s dismissal appeared in the *Globe* and was picked up by *Newsweek* in its May 31, 1999 issue.

Thiemann was asked to resign by the President of the University, Neil L. Rudenstine because of pornography discovered by a technician. Thiemann had requested a larger hard drive for the computer that Harvard University provided for his use at home. The employee transferring Thiemann’s files to a new hard drive discovered pornographic pictures stored on the computer. When a supervisor asked why it was taking so long to move the files, the employee discovered it was due to the size of space occupied by the pornography. The subsequent investigation led to Thiemann’s resignation. Harvard based the decision to demote Thiemann on Divinity School regulations

that prohibit personal use of computers owned by the university that is in conflict with the educational principles of the school.

The decision of Harvard to ask for Thiemann's resignation sparked a debate between supporters of Harvard's decision and those who thought the action was too harsh. Supporters argued that someone in such a position, representing a divinity school, should exhibit ethical values in all aspects of his or her life — not just in relation to professional activities. Thiemann was a Lutheran minister as well as the Dean of the Divinity School. In his role as Dean, he had started the Center for the Study of Values in Public Life. He was actively involved in improving the curriculum and faculty at Harvard and ran fund-raising campaigns for the school.

Those who thought that the stance taken by Harvard was too harsh argued that it was an invasion of Thiemann's privacy. They felt that Thiemann's activities were indiscrete and even naïve. However, they argued, since the pornographic images were on his home computer and would normally not be seen by students or other faculty members, he should have been informed that technicians could view his files, and administrators could read logs of the Web pages he had accessed. Instead of being asked to resign, Thiemann might merely have been warned and asked to refrain from viewing pornography on school computers.

Issues raised by this case include:

1. How can religious leaders be expected to teach others about values if they themselves do not set an ethical example?
2. What is the significance of the fact that Thiemann was not fired, but just removed from his position as dean?
3. Should there be a difference in "acceptable uses" for an employer-owned computer if an employee uses it at his or her home instead of in a public work environment?
4. What should [computer technicians](#) [20] do if they find objectionable material on someone's computer?
5. Are their obligations different if the material is illegal?

### 3. Illegal Pornography

*The Case of Professor Eric Neil Angevine:* Eric Neil Angevine, a former architecture professor at Oklahoma State University still has a [home page](#) [7] on the OSU computer system. Instead of information about architec-

ture and his years spent teaching at OSU, the page is blank except for the title "Eric Angevine's Home Page," and a link to OSU. It is ironic that a home page in Angevine's name linking to OSU still exists because the university fired Angevine on August 24, 2000.

In February 2000, Claudia Angevine, Eric Angevine's wife, went to the police with allegations that she had observed Angevine viewing pornographic images of male children. In the subsequent investigation, police found such images on computer disks and other material at Angevine's home and his office at OSU. While Angevine did not have access to the Internet at home, he accessed the images from his Internet account at OSU and stored them on disks. He had 43 pornographic images stored on his home computer. The images were turned over to the police in April.

Angevine's crime [became a federal case](#) [18] due to his use of the Internet, which gave the case a multiple-jurisdiction facet. Angevine was charged with felony possession of obscene materials on June 9, 2000. The same day, Claudia Angevine filed for an emergency protective order and divorce. The charges relating to the pornography on his home computer were dropped. However, he was charged in relation to the pornographic material on his office computer. On August 16, 2000, Angevine was indicted on federal charges of knowingly [possessing child pornography](#) [16]. The indictment led to his dismissal from OSU on August 24, 2000. On November 13, 2000, he [pled guilty](#) [17] to the federal charges under a plea agreement with the federal government. In March 2001, he received a sentence of 51 months in prison; the maximum penalty would have been 5 years in prison and a \$250,000 fine.

Issues raised by this case include:

1. The biggest difference between Angevine's offense and that of Thiemann and Herrold is that he broke the law. How should employers handle situations when employees use computers for illegal purposes?
2. Should the charge regarding the pornographic material on his personal home computer have been dismissed?
3. Compare this case with that of Thiemann who was only demoted, not fired. Is the distinction that tenure does not protect against dismissal in the case of lawbreaking?
4. What would be the implications if Angevine had taught minors instead of college students?

### 4. Pornography on High School Computers

*The Case of Dr. Robert Herrold:* Since he had a reputation as an effective superintendent and was carefully chosen to replace his retiring predecessor, Dr. Robert Herrold was considered an excellent choice for Superintendent of Hamilton (Indiana) County Schools. Herrold began working with the school board in the summer of 2000 with optimism about a new school year and a new career. However, his tenure was much shorter than anyone expected.

Two news releases about Dr. Robert Herrold are available on the Hamilton Southeastern Schools website. The first is a [news release](#) from July 11, 2000 [9] extending an invitation to the community to attend the welcome reception on August 14, 2000 for the new superintendent, Herrold. This release has a picture of Herrold in a dark suit coat, white shirt and tie and gives a name and number to contact for more information. The [second news release](#) [9] is dated September 18, 2000 and announces that Herrold has resigned that day. There is no picture, and although two “Contacts” are listed, the phrase “for more information” is missing. No information is given as to why Herrold resigned his position as Superintendent.

Investigation into the reasons behind Herrold’s resignation provides two very different depictions of Herrold’s activities during the time he was Superintendent. A benign story about Herrold’s time as Superintendent is depicted in the minutes from the meetings of the Hamilton Southeastern School Board; however, a very different version exists in the articles of the *Daily Ledger*, the local, daily newspaper. The School Board minutes reflect the professional aspects of Robert Herrold’s short-lived term as Superintendent of Hamilton Southeastern Schools, while articles in the *Daily Ledger* reflect the scandal and discussion of privacy rights and morality that surrounded his resignation. Herrold was officially welcomed during the July 10, 2000 Board Meeting. The minutes of following School Board meetings show a recently installed superintendent going about the business of preparing for a new school year. However, the picture changes in the September minutes. Herrold is listed as present in the [September 11, 2000](#) [8] school board meeting, but he does not conduct any business. He is not present at the [September 21, 2000](#) meeting [9], where the board unanimously accepts his resignation. The President of the Board read a news release about the resignation and the subpoena of materials relating to the investigation behind Herrold’s resignation. The meeting adjourned after five minutes and the Board met in Executive Session regarding personnel issues. In the public records, there is still no mention of why Herrold is resigning.

In contrast to the educational activities outlined in the School Board Minutes, the articles in the *Daily Ledger* describe different activities of Herrold while he was superintendent that led to his resignation. The articles started

on [September 18, 2000](#) [3] with the announcement that Superintendent Robert Herrold voluntarily resigned after only 11 weeks as the Superintendent of Hamilton Southeastern Schools as a result of a violation of the school district’s [Internet-use policy](#) [1]. Initially the school board refused to release specific details about the nature of the infraction committed by Herrold. As both the board and Herrold maintained [silence](#), [2] the paper reported what facts were known such as the terms of the acceptable-use policy, background information about the Herrold family, and Herrold’s career.

On [September 19](#), [5] the day following Herrold’s resignation, the Daily Ledger submitted a Freedom of Information request for the school documents about the infractions committed by Herrold, as well as a copy of his resignation letter. The school’s attorneys advised them to get input from the county prosecutor. On [September 20](#), [4] the county prosecutor took charge of the two computers that Herrold had used and they became evidence in the criminal investigation into his activities.

Almost a month later, on [October 18](#), [13] the County Prosecutor announced that no criminal charges would be filed against Herrold, and the computers were returned to school officials. After the announcement and return of the computers, school officials stated that they would not make the records public unless the state’s public-access counselor ordered them too. The refusal to make the records available to the public sparked a debate about the [privacy rights of an employee](#) of a public agency concerning computer use [14]. Neither Herrold nor the school district wanted the records to become public. Two newspapers, including the Daily Ledger disagreed. Both sides filed arguments with the state’s public-access counselor on [October 25](#) [11]. Two days later the counselor rules that the records were open to the public and the [October 27](#) [15] edition of the *Daily Ledger* quotes the ruling as stating, “Information that constitutes the electronic evidence of access to Internet sites on a public agency’s equipment is a public record.”

The *Daily Ledger* subsequently published information about the nature of Herrold’s indiscretion. The report released by the Hamilton Southeastern School District stated that Herrold had viewed sexually related material on his laptop including “male porn images.” An employee discovered the evidence, which included cookies and information from Herrold’s “My documents” folder, when he was fixing an unrelated problem with Herrold’s laptop. Herrold was unavailable for questioning after the records were made public.

Issues raised by this case include:

1. What is the significance of Herrold’s voluntary resignation vs. Thiemann’s forced resignation?

2. Since the pornography on Herrold's computer did not involve minors, was the computer technician obligated to report it?
3. What would have been the implications if the board had just reprimanded Herrold and he had not resigned?
4. Due to the Herrold case, school employees [purged their files](#) [12]. Should efforts be made to make employees more aware of how easily information can be obtained about their computer activities?

## 5. A Wider Perspective

All of these cases are similar in that they involve pornography and employer-owned computers. But the similarity may belie substantial differences in the factors that actually led to the loss of their jobs. Angevine probably would not have been sanctioned had his actions not been illegal. Thiemann and Herrold were in administrative positions, where they conveyed an image of their institution to the general public. Their indiscretions, therefore, could be seen as compromising their institutions in the public eye. This placed them in politically sensitive positions. Admittedly or not, institutions frequently make personnel decisions on the basis of politics. But should they do so? A stakeholder analysis would have to consider the damage to the institution (and consequently to its employees and graduates) of having its leaders disgraced. Offsetting that is the right of employees to keep certain matters private. The outcome of these two cases may be an indication that pornography, despite its increasing pervasiveness in recent years, is still considered disgraceful by our society.

In these two cases as well, technological naïveté seems to have played a role. Thiemann evidently did not realize how much disk space his pornographic pictures were consuming. Herrold probably did not realize that logs could reveal what Web sites he had visited. But this is no different than other cases in which consequences have befallen those who lacked sophistication in the use of computers. In the Iran-Contra case, for example, Oliver North and John Poindexter had e-mail used against them [19] that they thought they had deleted. They did not realize that copies still existed on backup tapes.

These cases present ample questions for fruitful classroom study. Most, if not all of our students, will be bound by acceptable-use policies in their future employment. Substantial numbers of them will also have a role in developing and enforcing these policies. The conflict between privacy rights and employer responsibility will arise in many situations. A careful consideration of the factors at play in these three cases will be valuable in con-

fronting situations that students may encounter in the work world.

## 6. Conclusion

Cases such as Thiemann's, Angevine's, and Herrold's continue to generate discussion about privacy issues and moral obligations of technical employees. As technology expands into more and more aspects of daily life, the issues surrounding personal and private use will continue to overlap. The decisions and discussions that result from past and current cases not only set precedents for how "acceptable use" violations will be treated in the future, but also shape the definition of "acceptable use."

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