

	Policy Title Prohibition on Pornography - Draft		
	Policy Number	Policy Date	Revision Date
Policy Owner: HR Business Partners			

Purpose and Scope

In an effort to maintain a safe work environment and to comply with the requirements of N.C.G.S. § 143-805, Mecklenburg County prohibits the viewing of pornography by employees on County networks or on devices owned, leased, maintained, or otherwise controlled by the County.

Definitions

1. Device. – Any cellular phone, desktop or laptop computer, or other electronic equipment capable of connecting to a network.
2. Material. – Pictures, drawings, video recordings, films or other visual depictions or representations but not material consisting entirely of written words.
3. Network. – Any of the following, whether through owning, leasing, maintaining, or otherwise controlling:
 - a. The interconnection of communication systems with a computer through remote or local terminals, or a complex consisting of two or more interconnected computers or telephone switching equipment.
 - b. Internet service.
 - c. Internet access.
4. Pornography. – Any material depicting sexual activity.
5. Sexual activity. – Any of the following acts:
 - a. Masturbation, whether done alone or with another human or an animal.
 - b. Vaginal, anal, or oral intercourse, whether done with another human or with an animal.
 - c. Touching, in an act of apparent sexual stimulation or sexual abuse, of the clothed or unclothed genitals, pubic area, or buttocks of another person or the clothed or unclothed breasts of a human female.
 - d. An act or condition that depicts torture, physical restraint by being fettered or bound, or flagellation of or by a person clad in undergarments or in revealing or bizarre costume.
 - e. Excretory functions.
 - f. The insertion of any part of a person's body, other than the male sexual organ, or of any object into another person's anus or vagina, except when done as part of a recognized medical procedure.
 - g. The lascivious exhibition of the genitals or pubic area of any person.
6. Sexually Explicit Nudity. - The showing of:
 - a. Uncovered, or less than opaquely covered, human genitals, pubic area, or buttocks, or the nipple or any portion of the areola of the human female breast, except as provided in N.C.G.S. 14-190.9(b); or
 - b. Covered human male genitals in a discernibly turgid state.

Policy

I. Prohibition:

Employees are prohibited from viewing pornography on County networks or on devices owned, leased, maintained or otherwise controlled by the County. This policy shall not apply to an official or employee that is engaged in any of the following activities in the course of that official's or employee's official duties:

1. Investigating or prosecuting crimes, offering or participating in law enforcement training, or performing actions related to other law enforcement purposes.
2. Identifying potential security or cybersecurity threats.
3. Protecting human life.
4. Establishing, testing, and maintaining firewalls, protocols, and otherwise implementing this section.
5. Participating in judicial or quasi-judicial proceedings.
6. Conducting or participating in an externally funded research project at one of the constituent institutions of The University of North Carolina.
7. Researching issues related to the drafting or analysis of the laws of this State as necessary to fulfill the requirements of the employee's official duties.

II. Annual Reporting:

Annually, no later than August 1 and in the format required by the State Chief Information Officer, the County shall report information to the State Chief Information Officer on the number of incidences of unauthorized viewing or attempted viewing of pornography on the County's network; whether the unauthorized viewing was by an employee, elected official, or appointee; and whether any of the unauthorized viewing was on a device owned, leased, maintained, or otherwise controlled by the County

III. Removal:

Any employee with pornography saved to a device owned, leased, maintained, or otherwise controlled by the County shall remove, delete, or uninstall the pornography immediately.

Procedure

Disciplinary action for employees who are found to be in violation of this policy shall be governed by the Corrective Action policy as stated therein. HR07-05.

References

N.C.G.S. § 143-805

N.C.G.S. § 14-190.13

Mecklenburg County Corrective Action Policy. HR07-05