



POLICY PROHIBITING PORNOGRAPHY ON TOWN OF LANDIS NETWORKS AND DEVICES

Purpose

North Carolina General Statute §143-805 requires all public agencies to adopt a policy governing the use of its network and devices owned, leased, maintained, or otherwise controlled by the Town of Landis. This policy is intended to comply with all provisions of said statute, and amendments thereto, and any and all regulations promulgated thereunder. To the extent any of the provisions of this policy are inconsistent with any of the foregoing, the statute, any regulations, and then this policy shall control in that order. To the extent the aforesaid statute may be amended in the future, this policy shall be deemed amended and shall be interpreted in accordance therewith.

Definitions

Device – Any cellular phone, desktop or laptop computer, or other electronic equipment capable of connecting to a network.

Material – As defined in G.S. 14-190.13.

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.

Pornography – Any material depicting sexual activity.

Public agency – Any of the following:

- a. All State agencies and offices of the members of the Council of State, including all boards, departments, divisions, constituent institutions of The University of North Carolina, community colleges, and other units of government in the executive branch.
- b. Units of local government as defined in G.S. 159-7.
- c. Public authorities as defined in G.S. 159-7.
- d. Public school units as defined in G.S. 115C-5.

Sexual activity – As defined in G.S. 14-190.13.

Policy

The Town of Landis prohibits the viewing or maintaining of pornography by its employees, appointees, elected officials, contractors, and volunteers on the Town's network or devices owned or maintained by the Town.

1. No employees of the Town of Landis, elected officials, or Town appointees shall view, disseminate, or maintain pornography on any computer network owned, leased, maintained, or otherwise controlled by the Town, whether on a Town-owned and maintained device, or a privately owned or controlled device.
2. No employee, elected official, or appointee of the Town shall view, disseminate, or maintain pornography on a device owned, leased, or maintained or otherwise controlled by the Town.
3. Each year, and no later than August 1, to the extent required by law, the Town shall report the information required by law to the State Chief Information Officer.
4. Sections 1 and 2 of 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:
 - a. Investigating or prosecuting crimes, offering or participating in law enforcement training, or performing actions related to other law enforcement purposes.
 - b. Identifying potential security or cybersecurity threats.
 - c. Protecting human life.
 - d. Establishing, testing, and maintaining firewalls, protocols, and otherwise implementing this section.
 - e. Participating in judicial or quasi-judicial proceedings.
 - f. Conducting or participating in an externally funded research project at one of the constituent institutions of The University of North Carolina.
 - g. Researching issues related to the drafting or analysis of the laws of this State as necessary to fulfill the requirements of the employees' official duties.
5. Any employee, elected official, or appointee of the Town who has pornography on a device owned, leased, maintained or otherwise controlled by the Town shall remove, delete or uninstall the pornography no later than January 1, 2025.
6. Any employee of the Town who violates any provision of this policy shall constitute detrimental personal conduct and shall subject the employee to disciplinary action under the Town's personnel policy including the possibility of immediate dismissal without further warning or notice in cases where the violation is either knowing or a repeat violation.
7. Any appointee of the Town who violates this policy shall be subject to immediate suspension by the Town Manager and subsequent removal by the Board of Aldermen.

8. Any elected official who violates any provision of this policy shall be subject to censure proceedings.
9. This policy shall also apply to contractors (including but not limited to independent contractors, vendors, and service providers) and volunteers to the Town to the extent that they use any Town network or device, and shall also prohibit the viewing or dissemination of pornography whether or not on a Town network or device when the person is on Town property, serving the Town at a Town-sponsored event, or representing the Town in any capacity. In any such case, such person and/or the applicable contract may be immediately suspended and/or terminated without further warning or notice by the Town Manager.