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## Business Technology: Right Is Right, So Let's Make It Unequivocal

By InformationWeek

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A fascinating legal case is unfolding in New York City and it could have much to do with how the business-technology profession is perceived in the near future. Already reeling from concerns that companies have begun reducing their dependence on IT (false), that all IT jobs are leaving the United States (equally false), and that there's just no future in the field (only true for those who cling to the past and resist the imperatives of the future), this vital and world-changing profession now faces a legal challenge that centers not on skills and knowledge but rather integrity and character and ethics.

We begin to learn at very early ages about right and wrong, acceptable and unacceptable, responsibility versus apathy. We believe that doing the right thing leaves us in a position that's unassailable, perhaps unpopular in some instances, but ultimately beyond reproach. Because, simply, we did the right thing.

### OTHER VOICES

David McPhillips recalled his son's generosity and enterprise. Mrs. McPhillips would deliver a eulogy of her own on the subject of her son's life and death.

... It had been her great privilege to be Brian's mother: "To you my dear and faithful son, from earth to heaven I salute you . . ."

-- --From "A Marine Comes Home" by Dorothy Rabinowitz, [The Wall Street Journal, May 1](#)

So what are we to make, then, of the two IT professionals who were asked to fix an employee's PC and were later fired for reporting that it was stuffed with images of young children and even babies being sexually assaulted, whipped, and raped by adults and dogs? This is, I know, not the stuff any normal person wants to hear about--it's a descent into the most revolting and despicable side of human nature. But it's also something that takes us back to those earliest memories of right and wrong, and acceptable and unacceptable, and what is unfolding in this court case needs to be understood by everyone in this business.

A quick recap: According to reports published by *The New York Post* in August of last year, New York Law School professor Edward Samuels, 54, took his PC from his home to the school to have it repaired by the IT-support staff, who work for an outsourcing company handling such work at the school. (It's important to note that Samuels at the time was a tenured faculty member at New York Law, meaning that it would be easier to remove George Steinbrenner as owner of the New York Yankees than it would be to separate Samuels from that school.) In the course of their work on Samuels' computer, the IT workers found a vast collection of images of child pornography of the type described above. Investigators ultimately found on the PC's drives and on disks in Samuels' possession more than 100,000 images of sexual assaults on young children.

After seeing what the computer contained, the two IT workers, whose employer is Collegis, based in suburban Orlando, Fla., did what most people would do: they reported the filth they'd found on Samuels' PC. Ultimately, they were fired by Collegis, notwithstanding their later contention in a suit filed against New York Law and Collegis that they had consistently received outstanding job-performance reviews. Until, that is, they blew the whistle on the good

professor with an appetite for viewing tens of thousands of images of little kids being whipped and raped. After reporting that, the two IT workers were fired.

Collegis will say nothing about the firings other than it, and not its client, has sole responsibility for personnel decisions. The fired employees, Dorothea Perry and Robert Gross, have filed a \$15 million whistle-blower lawsuit. Samuels--the guy who for many years helped train would-be lawyers--was in employment limbo until pleading guilty on April 15 to 100 counts of possessing a sexual performance by a child. He was on paid administrative leave right up to the time he admitted his guilt, and even then New York Law was dithering about his status because the school, which trains lawyers, was trying to figure out what to do with him. After all, he has tenure, and the fact that he stored more than 100,000 images of unimaginable cruelty toward young children cuts no ice when compared with tenure. Right? I mean, the guy's got his right to free speech, right? And as his lawyer said, "Look, there's no allegation that he trafficked in any of this stuff, or acted on any of this stuff," according to the *New York Post*. Well, that ought to settle the issue. Right? But the good professor let the school off the hook by resigning on April 25--that rush of air that blew through the Northeast that day was the massive sigh of relief from the school as they realized they wouldn't actually have to make a decision on him.

**Would you report child pornography if you found it on a computer at work?**

[Take this quick poll](#)

Meanwhile, the folks who were doing their jobs in trying to fix his computer and who then found this garbage--they're fired. And, by the way, the Collegis Web site has a "contact us" feature--anyone who's interested in this situation might want to share your opinion. And all of us, knowing that New York Law School exercised the utmost diligence in agonizing over what to do with its tenured child pornographer, well, we can all sleep better. I don't know about the nature of the sleep of the children whose torture Samuels reveled in, but New York Law School Dean Richard Matasar should also sleep well--after all, his school stood by their man and his 100,000-plus images.

So back to Planet Earth--does your company have a simple, clear, and unambiguous policy explaining what employees should do if they find such stuff on company computers, servers, drives, or disks? Is it the sort of policy that reinforces to employees that they are doing the right thing in the right way, or does it lead them to wonder whether they might suffer the same fate as the two IT workers employed by Collegis and working at New York Law School? Is it a policy that strongly reinforces and supports the most basic values of human decency, or is it centered on first and foremost limiting at all costs any whiff of legal exposure, regardless of how absurd and baseless such exposure might be?

**Does your company have a formal policy concerning reporting child pornography?**

[Take this quick poll](#)

We would all like to think that people such as child pornographer Edward Samuels do not work where we work; we would all like to think it's an issue for others to be concerned with, but surely not us. We would all rather focus on other issues, other problems, other priorities, because to most people this is so repugnant and otherworldly that we really can't fathom it. But the unfortunate truth is that Edward Samuels is not alone--there are, sad to say, others like him. And they do work among us. And we need to make it our collective responsibility to have in place policies and procedures that punish the guilty, protect the innocent, and utterly obliterate the gray mushiness in the middle. Because if we don't have the courage and will and moral clarity to do that, then I'm not so sure that there's really that much difference between us and Edward Samuels, the law-school professor with more than 100,000 images of young children being sexually assaulted, whipped, and raped by adults and dogs.

**Bob Evans**

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[Complaint: Perry and Gross vs. New York Law School and Collegis, Inc.](#)

This complaint represents the point of view of the plaintiffs in a civil litigation in the state of New York. Dorothea Perry and Robert Gross are seeking relief against their former employer, Collegis, Inc. and the law school where they were assigned as IT workers, in a case that involves their discovery of child pornography on a professor's PC.

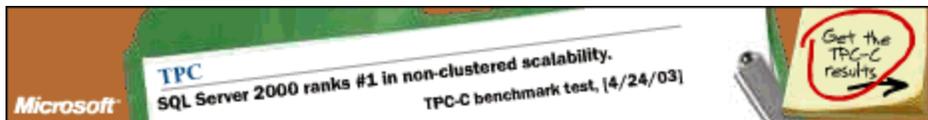
[Response from Tom Huber, CEO of Collegis Inc.](#)

Editor-in-chief Bob Evans' opinion column in the May 5 edition of *InformationWeek* states that Collegis unfairly "fired" two employees at New York Law School for "blowing the whistle" on a faculty member found in possession of child pornography on his computer. The professor pleaded guilty to the charge, but a lawsuit filed by the technicians who reported the crime prevents both Collegis and New York Law School from commenting freely.... [\(Read the full response\)](#)

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