



# Intellectual Freedom Handbook



# Intellectual Freedom Handbook

## Kentucky Library Association

2007



Member Services Committee  
Intellectual Freedom Subcommittee

Committee Members, 2006-2007

Terry Buckner, Circulation Librarian, Bluegrass Community & Technical College  
Leoma Dunn, Cataloging Librarian/ITS, Thomas More College  
Tiana French, Reference Librarian, Bluegrass Community & Technical College

Handbook approved by Kentucky Library Association Board on September 19, 2007

# Contents

- Preface 5
- Balancing Our Right to Know With an Individual's Right to Privacy:  
Confidentiality of Library Patron Records in Kentucky. By Jim Nelson,  
Former Kentucky State Librarian. 6-14
- Section 1: Intellectual Freedom
  - Introduction to Intellectual Freedom and Libraries 16-17
  - Freedom to Read Statement 18-21
  - Library Bill of Rights 22
  - Libraries: An American Value 23
  - Resolution of the USA Patriot Act and Related Measures  
That Infringe on the Rights of Library Users 24-25
- Section 2: Challenged Materials
  - Censorship and Challenges 27
  - Challenged Materials 28
  - The Censor: Motives and Tactics 29-31
  - Coping with Challenges: Strategies and Tips for Dealing  
with Challenges to Library Materials 32-45
  - Coping with Challenges: Kids and Libraries 46-49
  - Conducting a Challenge Hearing 50-52
  - Dealing with Concerns about Library Resources 53-54
  - Items to be Included in a Materials Selection Policy 55
  - Request for Assistance Form 56
- Section 3: Internet
  - Resolution on the Use of Filtering Software in Libraries 58
  - Statement on Library Use of Filtering Software 59-61
  - Statement on Library Filters and Internet Use 62
  - Questions and Answers: Access to Electronic Information  
Services and Networks 63-69
- Section 4: Confidentiality
  - Policy on Confidentiality of Library Records 71

○ Policy Concerning Confidentiality of Personally Identifiable Information about Library Users	72-73
○ Developing a Confidentiality Policy	74-76
○ Suggested Procedures for Implementing Policy on Confidentiality of Library Records	77
○ Office of the Attorney General of the state of Kentucky (OAG 82-149 and OAG 81-159)	78-81
● Section 5: Government	
○ Expurgation of Library Materials	83
○ Policy on Governmental Intimidation	84
○ Confidentiality and Coping with Law Enforcement Inquiries	85-90
● Section 6: Access for All	
○ Access for Children and Young Adults to Nonprint Materials	92-93
○ Resolution on Access to the Use of Libraries and Information by Individuals with Physical or Mental Impairment	94
○ Access to Resources and Services in the School Library Media Program	95-96
○ Access to Library Resources and Services Regardless of Sex, Gender Identity, or Sexual Orientation	97-98
○ Resolution on Prisoners' Right to Read	99
○ Economic Barriers to Information Access	100-101
○ Diversity in Collection Development	102-103
○ Labels and Rating Systems	104-105
○ Guidelines for the Development of Policies and Procedures Regarding User Behavior and Library Usage	106-108
○ Library-Initiated Programs as a Resource	109-110
○ Exhibit Spaces and Bulletin Boards	111-112
○ Evaluating Library Collections	113
○ Guidelines for the Development and Implementation of Policies, Regulations and Procedures Affecting Access to Library Materials, Services and Facilities	114-117
○ Meeting Rooms	118-119
○ The Universal Right to Free Expression	120-121
○ Restricted Access to Library Materials	122
○ Free Access to Libraries for Minors	123-124
○ Intellectual Freedom Principles for Academic Libraries	125-126
● Section 7: Ethics	
○ American Library Association Code of Ethics	128

○ Dealing with Concerns About Library Resources	129-130
● Appendix:	
○ American Library Association Office of Intellectual Freedom Censorship and Challenge Database Form	132
○ Checklist and Ideas for Library Staff Working with Community Leaders	133-135
○ Guidelines and Considerations for Developing a Public Library Internet Use Policy	136-141
○ Jefferson County Public Schools Student Acceptable Use Policy	142-143
○ Jefferson County Public Schools Employee Acceptable Use Policy	144-145
○ Sample: Request for Reconsideration of Library Resources Form	146-147
○ Organizations to Contact	148
○ Acknowledgements	149
● Intellectual Freedom Award	150

## PREFACE

This handbook was produced to help all librarians in Kentucky—academic, public, school and special—to be prepared before a censorship challenge occurs and as a basic source of information about intellectual freedom. With the passing of the PATRIOT Act in October 2001, it is critical that patron access to information, confidentiality and privacy are understood and protected.

Guaranteeing the free expression and exchange of information is a core responsibility of librarianship. Librarians are on the front line of intellectual freedom and must be prepared to defend it when the censor attacks. Censors want to impose their judgments and choices on others. Librarians and library supporters must be prepared to deflect such intellectual assaults when they occur.

After the American Library Association (ALA) updated several interpretations of the Library Bill of Rights, a new edition of the handbook was deemed necessary to deal with issues of censorship, confidentiality, and privacy.

As librarians, we need to defend the basic tenets of free access to information in a time of unprecedented change and challenges. The plans and policies that are created today will determine the content and availability of our nation's cultural resources tomorrow.

# Balancing Our Right to Know With an Individual's Right to Privacy: Confidentiality of Library Patron Records in Kentucky

By James A. Nelson  
State Librarian and Commissioner  
Kentucky Department for Libraries and Archives

At the June 8, 2002 Kentucky Library Association Board meeting, the question of privacy for library patron records was brought to the table. This happened because The Louisville Courier Journal had published an article by Michael Kennedy of the Los Angeles Times entitled "Bookseller fights for customers' privacy" which featured the following quote; "Today only Kentucky and Hawaii don't have laws protecting the privacy of what readers check out from libraries."<sup>1</sup> Obviously, this is not a comforting thing for a group of professional librarians to hear or see in print, and board members raised some legitimate concerns about this striking statement. It is, however, not the first time Kentucky's lack of library confidentiality laws has come up because of a strategic decision made in the early '80s to go another route in protecting our library patron records. As I was involved in that decision, I was asked to write this article about the confidentiality of library patron records in Kentucky.

When I was appointed Kentucky State Librarian in 1980, there was some discussion in the library community about the need for a law that would assure the confidentiality of library patron records. The climate for passing such a law, however, was risky at best – there was general concern that libraries were somehow agents of obscenity and a danger to the current standard for propriety and popular beliefs. Other states, I think North Carolina in particular at that time, were having similar problems and taking some heat in the venue of public policy. Given this, it seemed that rather than take on a potentially divisive legislative effort, we might choose another option which would have essentially the same result – we would go to the Attorney General's Office for an Opinion on the confidentiality of library patron records under provisions of Kentucky's Open Records Law.

The fundamental reason for our Open Records Law, and every state has its own version of this law, is to allow citizens access to the records of their government to assure it is following the legal mandates it has been entrusted to perform and to see if it is performing them properly. The Federal Government has the Freedom of Information Act (FOIA) to achieve this same purpose. This is commonly referred to as ensuring our "Right to Know" and is certainly a principle strongly supported by our profession. However, it is also fundamental to our democratic form of government, and to the free exploration of information and ideas at our libraries, that these same citizens will be protected from unwarranted public scrutiny by their government or individuals attempting to use public records for purposes not fitting the general principles of "public good". The federal response to this principle is the Privacy Act of 1974, but in Kentucky, the principle of individual privacy is covered through the "exclusions" provisions in the Open Records Law, a challenging solution given to case-by-case determination without a state equivalent of the Privacy Act.

Under Kentucky Open Records Law, the Attorney General, as chief law officer of the Commonwealth, is required by KRS 61.880 to issue legally binding decisions in disputes arising under the Open Records Law. Basically, these opinions, while subject to appeal, are treated as law and if not appealed within 30 days, they have “the force and effect of law” - KRS 61.880 (5) (b). What this means, essentially, is that if the Attorney General issued an opinion on the public’s right to inspect library records in a case where such inspection had been denied, it would serve as law if not appealed and overturned by a court of the proper jurisdiction. More information about Open Meetings and Open Records policy in Kentucky can be found at <http://www.law.state.ky.us/civil/orreg.html><sup>2</sup>

Given the fact that there was no specific legal challenge to a library denying inspection of a patron’s records at the time (a request made according to proper procedure, a denial made in like manner and an appeal by the requestor to the Attorney General), an advisory Opinion was requested. While these advisory Opinions don’t themselves have the force of law, they do give an indication of the Attorney General’s general perspective, sans litigation and accompanying evidence, and are typically taken very seriously by all parties. In 1992, the Office of Attorney General changed the official designation of decisions they made on disputed cases relating to Open Records and Open Meetings to Open Records Decisions (ORDs) and Open Meeting Decisions (OMDs) to distinguish them from the advisory opinions. However, the Opinions of the Attorney General (OAGs) continue to reflect a point of view which indicates a direction that Office might pursue in deliberating their official decisions.

A library could, in fact, deny inspection, go through the appeal process and get an official ORD with this advisory as evidence that they might well have support in their efforts to protect library patron records from unwarranted public scrutiny. Going through the denial/appeal processes would produce a legally binding decision that could only be overcome by order from a court of the proper jurisdiction, but the advisory Opinion approach would give sound footing to our library community in charting this course.

In 1981 I wrote the Attorney General for an advisory Opinion on whether or not the staff at a public library would have to permit a requestor access to library patron records for inspection. The official response was stated in OAG 81-159 - *“The custodian of the registration and circulation records of a public library is not required to make such records available for public inspection under the Open Records Law since subsection (1)(a) of this section prohibits disclosures which would constitute a clearly unwarranted invasion of personal privacy, and an individual’s privacy rights as to what he borrows from a public library, such as books, motion pictures, periodicals or any other matter is overwhelming and there is no countervailing public interest to be considered; however, since Kentucky has no privacy statute, the exceptions to mandatory disclosure of public records is permissive and no law is violated if they are not observed by the custodian.”*

According to this Opinion, the Attorney General believed that patron records would be protected from public inspection. The fact that this Opinion was perceived by some librarians at the time to only deal with “public library” records caused some concern on the part of librarians in other types of libraries, so I asked for clarification on this point. In 1982, the matter was clarified in OAG 82-149 - *“All libraries may refuse to disclose for public inspection their circulation records. As far as the Open Records Law is concerned, they may also make the records open if*

*they so choose; however, the privacy rights which are inherent in a democratic society should constrain all librarians to keep their circulation lists confidential.”*

To a non-librarian, this distinction is confusing because Open Records Law deals with all agencies defined as public agencies and all records defined as public records. This would cover academic, school and special libraries in the public sector as well as “public libraries” in our profession’s nomenclature. Private libraries are not covered by Open Records Law and this law could neither be used for requesting nor denying inspection.

These two Opinions are based on the provisions of KRS 61.878 which states in (1) *The following records are excluded from the application of KRS 61.870 to 61.884 and shall be subject to inspection only upon order of a court of competent jurisdiction, except that no court shall authorize the inspection by any party of any materials pertaining to civil litigation beyond that which is provided by the Rules of Civil Procedure governing pretrial discovery: (a) Public Records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.”*

Clearly it is the intent of this provision to protect individuals from unwarranted public scrutiny related to information about them that is maintained in public records. This protection is clearly articulated in the two library Opinions quoted here, but these dealt specifically with “*registration and circulation records.*” The advent of public access to the Internet brought yet another aspect of this issue – what to do with the “sign up sheets” developed to manage the use of public access Internet workstations in libraries.

To be able to respond to the queries my office was receiving on this issue, I wrote again to the Attorney General in 1999, asking, “*Since the advent of the Internet, public libraries have installed public access computer workstations to allow the public to use that resource and other technology dependent information resources. As a means of managing use of these workstations, it is common practice for a library to ask patrons to register for using these computer workstations to assure that they will be available to as many people as possible and in the order patrons ask to use them. Recently, there have been requests made to inspect these registration lists by individuals using Open Records Law as the basis for doing so*

*My question for an Opinion is, “Are the registration lists maintained by libraries for patron use of public access workstations subject to public inspection?”<sup>3</sup>*

The response was not an official Opinion as that office had reaffirmed the statutory requirement to only write ORD’s on the basis of a dispute or challenge rather than issue an advisory Opinion based on a question of public policy put to them as we had earlier done. Responding to my query, the Assistant Attorney General, Ms. Cheryl LaLonde-Mooney, said, “*For the time being, you may continue to rely on the authority of OAG 81-159 and OAG 82-149 to deny a request for computer registration lists.*”<sup>4</sup> This perspective parallels the belief I have about the confidential nature of patron Internet use sign up lists and it has been my lay advice that library staff do just that. In her response, Ms Lalonde-Mooney also referenced a broader interpretation of the privacy issues in library records which has been encoded in New York state law – Section 4509 of the Civil Practice Law and Rules, first enacted in 1982 (L.1982, Ch 14) and broadened in 1988 (L.1988, ch 112) which states:

*“Library records, which contain names of other personally identifying details regarding the users of public, free association, school, college and university libraries and library systems of this state, including but not limited to records related to the circulation of library materials, computer database searches, interlibrary loan transactions, reference queries, requests for photocopies of library materials, title reserve requests, of the use of audio-visual materials, films or records, shall be confidential and shall not be disclosed except to the extent necessary for the proper operation of such library and shall be disclosed upon request of the user or pursuant to subpoena, court order or where otherwise required by statute.”*

If the library community in Kentucky would desire to codify the principle of privacy for individually identifiable information in library records (perhaps just to keep us off the lists of states that have no such laws), this language provides a good model to follow. It would require the passage of new legislative language, however, and public policy seems to have swung back to a position similar to what it was in the late 70s and early 80s. It would appear that the importance of intellectual freedom and individual privacy is taking a back seat to child pornography and terrorism in today’s political environment. For passage, a new law dealing with these issues would need to be well crafted and broadly supported and, to date, there has been no challenge to a library denying inspection of patron records.

A very important issue articulated in OAG 81-159 – that “Kentucky has no privacy statute” – might well be the most serious hurdle to passing a law which would assure strong and legally mandated protection of library patron records. This aspect of Kentucky law was further clarified by another Assistant Attorney General, Amye Bensenhaver (who currently is in charge of both Open Meeting and Open Records legal issues for that office) in a 1997 review of state law relating to individual privacy requested by the Kentucky Information Resource Management Commission. Acting as Chair of the Information Policy Committee of that commission at the time, I asked Ms. Bensenhaver to assess *“current state law with regard to the protection of individual privacy through exemptions to the Open Records Act and other related acts.”*<sup>5</sup>

The request was put in the context of the fact that *“The convergence of computer systems with worldwide information networks has made government data more accessible to a wider audience of potential users. Although we encourage public access to open records via these electronic channels, the appropriate stewardship of public agencies in protecting individual privacy is becoming increasingly complex.”*

Ms. Bensenhaver proceeded with an extensive, well-documented and very insightful 20-page review that leads off with “We begin by noting that Kentucky has no privacy act.” She then discusses efforts to amend the Open Records Law in 1978 which would have introduced language dealing with individual privacy (Senate Bill 59), and which “borrowed liberally from the federal Privacy Act of 1974”. It was defeated. In 1996, Representative Joe Clarke introduced HB 45, which would have amended Section 1 of the state Constitution to establish a right of privacy that could not be infringed absent a “compelling private or state interest”. It died in committee. In short, legislative efforts to implement language to incorporate provisions matching the federal Privacy Act have not had much luck in Kentucky. This gives some indication as to what difficulties any initiative to codify the privacy of library records into state law might face.

The review goes into some detail on federal legislation and state case law used to formulate decisions relating to the rights of individual privacy versus public disclosure. Ms. Bensenhaver points to several examples which illustrate how Kentucky's treatment of these issues has been determined by the unique principles evident in each case sans the foundation of a privacy act. In their handbook on Open Meetings and Open Records, the Attorney General's Office has also cited case law to help public agencies make certain decisions on how to manage requests for public inspection and/or copying of public records. This helpful guide is available at <http://www.law.state.ky.us/civil/OR-OM%20Outline.pdf><sup>6</sup>.

One case, which Ms. Bensenhaver still believes to be the benchmark for delineating the difference between individual privacy rights and public disclosure, comes from an incident where individuals were denied access to workman's compensation SF1 forms, including claimant's social security, telephone numbers and other personally identifiable information. The requestors wanted this information for soliciting potential clients to represent in litigation. They were denied it essentially because this reason had nothing to do with the conduct of the agency or whether it was meeting its statutory responsibility or not.

The decision, *Zink v. Commonwealth*, Ky. App., 902 SW2d 825 (1994), states that, "*At its most basic level, the purpose of disclosure focuses on the citizens' right to be informed as to what their government is doing. That purpose is not fostered however by disclosure of information about private citizens that reveals little or nothing about an agency's own conduct.*" This decision clearly articulates that the purpose of Open Records Law is to permit the public to be informed about what its government is doing, but it also protects an individual's right from public scrutiny of personally identifiable information in public records where disclosure clearly does not contribute to this end.

Another citation used in the AG handbook makes it clear that the public does indeed have a right to be informed about its government and disclosure cannot be prevented when that right clearly outweighs any right to protect information about a private party. This case clearly shows that just because there is a private concern, not all actions between a public agency and a private individual can be protected under the "exclusions" provisions in Open Records Law - *Lexington Fayette Urban County Government v. Lexington Herald-Leader Co.*, Ky., 941 SW2d 469 (1997) "*Confidentiality clause in document settling litigation between private citizen and governmental entity does not make the document exempt under the Open Records Act.*" At page 473 the Court reasoned, "*In balancing the sacrosanct right of an individual to privacy against legitimate public concerns and the right of the public to inquiry into the working of government, we find that a settlement of litigation between private citizens and a governmental entity is a matter of legitimate public concern which the public is entitled to scrutinize.*"

These two examples of case law illustrate the difference in how the courts have determined the "line in the sand" between disclosure and protection of personal information held in public records. It would seem, then, if one were to apply this principle to a hypothetical challenge to disclose library patron records one can assume that if the record would demonstrate how the library was conducting its business, it could be subject to disclosure. If not, the library would have grounds for denying inspection. In general, it's hard to imagine how disclosing library patron records would demonstrate whether or not a library was conducting its business properly or meeting its legally mandated responsibilities.

Ms. Bensenhaver also cites specific statutes that attempt to deal with privacy issues in the context of addressing agency program responsibilities while protecting individually identifiable information. This strategy has continued in legislative efforts since the '97 review. A good example of this showed up in 2000, when the General Assembly passed a body of law to codify the new system for enterprise wide information technology management – a centralized management system for all Executive Branch state agencies through a “Governor’s Office for Technology” under a Chief Information Officer.

KRS 11.507, “Roles, Duties, and permissible activities for Governor’s Office for Technology”, in section (1) states *The roles and duties of the Governor’s Office for Technology shall include but not be limited to...(d) Developing, implementing, and managing strategic information technology directions, standards, and enterprise architecture, including implementing necessary management processes to assure full compliance with those directions, standards and architecture. This specifically includes, but is not limited to, directions, standards and architecture related to the privacy and confidentiality of data collected and stored by state agencies...*” (my emphasis). This stipulation led to a joint review of information systems in state government by the Governor’s Office for Technology and the Kentucky Department for Libraries and Archives to determine the status of this kind of data collection for Executive agencies.

One interesting example that demonstrates how good intent can sometimes run afoul of other interests emerged in the 2001 - 02 legislative session. In a sincere effort to combat the recent emergence of “identity theft” incidents, one legislator proposed legislation to block public inspection of certain vital records (the “perps” were using them to create new identities). Some of this legislation drew hot and hostile reaction from cadres of genealogists who believed it would prevent them from their right to research family history and was defeated. Again, the issue of public access and personal privacy in the matter of inspecting public records can raise some interesting issues to bring into balance.

In a related example of how this profession values confidentiality of library use, the International Coalition of Library Consortia (ICOLC), groups of collaborative libraries and library organizations around the world, has promulgated new “Privacy Guidelines for Electronic Resources Vendors”<sup>7</sup>. In the Introduction to these guidelines, the ICOLC states “*A cardinal principle of librarianship is that the privacy of the library users with respect to their information seeking is to be protected, and the members of the ICOLC are committed to this principal. Accordingly, the ICOLC issues these guidelines with respect to the privacy interests of our member libraries’ users in the interest of informing the companies with which we do business about what is acceptable in the products and services that we license.*”

The “Privacy Policy Statement” offered for adoption by the ICOLC says, “*<PUBLISHER’S name> is committed to protecting user privacy online. We believe that strong electronic privacy is crucial for the ongoing success of the Internet. We also believe it is critical for us to adhere to the American Library Association’s Code of Ethics. We pledge to give you as much control as possible over your personal information. We will not disclose individually-identifiable information about you to any third party without your consent.*” Clearly, this strong commitment to an individual’s right to privacy is driving policy even in the library profession’s relationship with private sector vendors. The Kentucky Virtual Library has endorsed these guidelines along

with an extensive group of other library consortia. Information about this can be found at <http://www.library.yale.edu/consortia><sup>8</sup>

Having said all this, the issue of protecting library patron records from public scrutiny has been dealt a severe blow by passage of a new federal law – *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act*, the USA PATRIOT Act. This Act has pretty much nullified all other laws, including state laws, with regard to individual privacy in the context of public disclosure for law enforcement purposes.

Even as this article is being written, the ultimate interpretation of the “PATRIOT Act” is uncertain but the Kentucky library community needs to keep an eye on this chilling new legislative direction as it has huge implications for our freedom of exploration and inquiry in this country and in our libraries. Again, the best venue to keep abreast of the library perspective on the Act is through the ALA Washington Office’s web site on this emerging issue at <http://www.ala.org/washoff/patriot.html>.<sup>9</sup>

Another good resource for policy guidance is ALA’s recently adopted statement on privacy and the Library Bill of Rights - <http://www.ala.org/alaorg/oif/privacyinterpretation.html><sup>10</sup> and there are many documents from ALA which serve as helpful guides in these matters. This same site gives access to a good “Q&A” about “Privacy and Confidentiality” that can help libraries develop policy and procedures to effectively manage these issues. It is very uncertain how the challenging dynamic of individual privacy and protection against terrorism will sort out, but there is no question it is a struggle we will be engaged in for some time.

One chilling provision of the Act is that library staffs are forbidden to speak to anyone about visits by law enforcement officials to anyone except their lawyers. It’s not clear what the consequences might be if this provision were violated, but in combination with law enforcement having much more liberty in seeking library records it does portray a foreboding future for library staff. Right now, the best approach in dealing with the new law is well articulated in “Guidelines for Librarians on the USA PATRIOT Act” published by the American Library Association at <http://www.ala.org/washoff/patstep.pdf>.<sup>11</sup> Central to these guidelines is the involvement of legal counsel, review of policies and training of all staff on what to do in a situation where there is an inquiry by law enforcement officials.

“September 11” changed our world in many ways, but perhaps none more radically than to put into question the important role libraries and librarians have to champion an individual’s “Right to Know” while steadfastly protecting the right of individual privacy – two companion concepts which are intrinsically linked, but separately challenged in a world where freedom and openness has been struck to the core. Our right to know has already seen the invasion of “security” measures where government documents dealing with vital functions like water systems and the storage of sensitive materials have been pulled from the shelves of our libraries and taken from government Web sites.

It has not been many years since we battled the FBI’s “Library Awareness Program” initiated in the early ‘70s. Through this program, the FBI offered suggestions for how library staff could identify suspicious individuals (such as “foreign sounding names or foreign sounding accents”) who should be reported to them for investigation. While countered with much public attention and a barrage of statements from the American Library Association and other concerned groups,

the Library Awareness Program extended into the 1980's and a return to that type of strategy is not out of the question

One basic source on this infamous program is Herbert Foerstel's Surveillance in the Stacks<sup>12</sup>, but for a general assessment of the concerns about giving law enforcement officials more power to look into our lives go to <http://www.epic.org/privacy/fbi/>.<sup>13</sup> This site gives a good historical perspective from the Electronic Privacy Information Center (EPIC) based on how "The Attorney General Guidelines" have evolved in this venue with a special focus on how the PATRIOT Act might impact these guidelines.

While we should abhor terrorism and the blatant violation of our open society it represents, we cannot easily discard our commitment to keeping our libraries a safe haven for those who cherish the most fundamental principles of freedom in the American way of life. We must keep our libraries secure bastions for a free People. We also must protect and preserve an environment conducive to free inquiry and creativity in these most democratic of all institutions.

Even in the absence of a "Privacy Law" in Kentucky and in spite of the uncertainty over what changes and challenges to these principles might accompany the PATRIOT Act, we must continue to hold onto our sacred belief in openness and privacy as the balancing foundation for how we manage our libraries in the years ahead. This is made even more apparent in the August 2002 issue of American Libraries highlighting "Free Speech, Privacy, and the War on Terrorism", especially in Leonard Kniffel's Editorial, "Who Wants to Be the First to Go to Jail?" He concludes his commentary by saying, "Can it be long before government agents abuse these newfound powers? When it happens, we will need librarians who recognize that the FBI has used the PATRIOT Act to revert to spying on people and organizations for reasons that have nothing to do with terrorism; we will need librarians brave enough to speak out, even if it means going to jail."<sup>14</sup>

<sup>1</sup> Kennedy, J. Michael." Bookseller fights for customers' privacy." Louisville Courier Journal 31 Mar. 2002:D1

<sup>2</sup> Office of the Kentucky Attorney General. "Open Records and Open Meetings Regulations." Open Records and Opinions Page. 6 Sept. 2002 <http://www.law.state.ky.us/civil/orreg.html>

<sup>3</sup> Chandler, Honorable A.B. III. "Request for Opinion". Business Letter. 21 May 1999

<sup>4</sup> Lalonde-Mooney, Cheryl. "Response to Request for Opinion." Business Letter. 14 Dec.1999

<sup>5</sup> Bensenhaver, Amye L. "Assessment of status of privacy law in Kentucky." Official Correspondence. 12 May 1999

<sup>6</sup> Bensenhaver, Amye L. and Ann M. Sheadel. "Open Meetings and Open Records" Revised Apr. 2001. 6 Sept. 2002. <http://www.law.state.ky.us/civil/OR-OM%20Outline.pdf>

<sup>7</sup> International Coalition of Library Consortia. "Privacy Guidelines for Electronic Resources Vendors." Jul.2002. 6 Sept. 2002.

<sup>8</sup> International Coalition of Library Consortia. "About the International Coalition of Library Consortia." 6 Sept. 2002. <http://www.library.yale.edu/consortia/>

<sup>9</sup> American Library Association. Washington Office. "Libraries and the Patriot Legislation." 6 September 2002. <http://www.ala.org/washoff/patriot.html>

<sup>10</sup> American Library Association. "Privacy: An Interpretation of the Library Bill of Rights." 12 June 2002. 6 September 2002. <http://www.ala.org/washoff/patriot.html>

<sup>11</sup> American Library Association, Washington Office. "Guidelines for Librarians on the USA Patriot Act." 19 Jan. 2002. 6 September 2002. <http://www.ala.org/washoff/patstep.pdf>

<sup>12</sup> Foerstel, Herbert, N. Surveillance in the Stacks in Contributions in Political Science, No. 266. Westport CT: Greenwood Press, 1991.

<sup>13</sup> Electronic Information Center. "The Attorney General's Guidelines." 6 June 2002. 10 September 10, 2002. <http://www.epic.org/privacy/fbi/>

<sup>14</sup> Kniffel, Keonard. "Who Wants to Be the First to Go to Jail?" American Libraries 33.7 (August 2002): 46.

Nelson, J. (2002). Balancing Our Right to Know With an Individual's Right to Privacy: Confidentiality of Library Patron Records in Kentucky. *Kentucky Libraries*, 66(4) 20-25.

Reprinted with Permission



# Section 1: Intellectual Freedom

## Introduction to Intellectual Freedom and Libraries

**First Amendment:** Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof or abridging the freedom of speech, or of the press; or of the right of people peaceable to assemble, and to petition the Government for a redress of grievances.

**Fourth Amendment:** The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing that place to be searched, and the persons or things to be seized.

**Fifth Amendment:** No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, or be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

**Ninth Amendment:** The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

**Tenth Amendment:** The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

**Amendment Fourteenth, Section 1:** All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law, which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Associate Justice of the U.S. Supreme Court, Potter Stewart, once said, “Censorship reflects a society’s lack of confidence in itself (383 U.S. Reports, p.498). Unfortunately, that lack of confidence continues to manifest itself in our country. It appears in the all too frequent challenges that libraries receive concerning their holdings, acquisitions, and services.

The Kentucky Library Association holds that the freedom to read is a corollary of the constitutional guarantee of freedom of the press. Freedom of choice in selecting materials is a necessary safeguard to the freedom to read, and shall be protected against extra-legal, irresponsible attempts by self-appointed censors to abridge it. The Association believes that citizens shall have both the right of free inquiry and the right of forming their own opinions, and that it is of the utmost importance to the continued existence of democracy that freedom of the

press in all forms of public communication be defended and preserved. The Kentucky Library Association subscribes in full to the principles set forth in the Library Bill of Rights of the American Library Association, Freedom to Read Statement, and Interpretative Statements adopted thereto. Further detail and assistance is also available in the American Library Association's Intellectual Freedom 6<sup>th</sup> edition, 2002.

As institutions dedicated to upholding the principles of intellectual freedom, it is inevitable Kentucky libraries will be faced with challenges concerning materials and policies. This booklet has been updated and compiled to help Kentucky librarians prepare for and respond to censorship, privacy and confidentiality challenges. It is our hope that every librarian will keep this book of suggestions and policy statements close at hand; that it will serve as the reference source to consult whenever any library is challenged. It will be available from the KLA website as a HTML or PDF document that can be easily updated for continued maintenance. Suggestions are invited and welcome. Contact the KLA office at 1501 Twilight Trail, Frankfort, KY 40601, (502) 223-5322, [www.kylibasn.org](http://www.kylibasn.org).

## The Freedom to Read Statement

The freedom to read is essential to our democracy. It is continuously under attack. Private groups and public authorities in various parts of the country are working to remove or limit access to reading materials, to censor content in schools, to label "controversial" views, to distribute lists of "objectionable" books or authors, and to purge libraries. These actions apparently rise from a view that our national tradition of free expression is no longer valid; that censorship and suppression are needed to counter threats to safety or national security, as well as to avoid the subversion of politics and the corruption of morals. We, as individuals devoted to reading and as librarians and publishers responsible for disseminating ideas, wish to assert the public interest in the preservation of the freedom to read.

Most attempts at suppression rest on a denial of the fundamental premise of democracy: that the ordinary individual, by exercising critical judgment, will select the good and reject the bad. We trust Americans to recognize propaganda and misinformation, and to make their own decisions about what they read and believe. We do not believe they are prepared to sacrifice their heritage of a free press in order to be "protected" against what others think may be bad for them. We believe they still favor free enterprise in ideas and expression.

These efforts at suppression are related to a larger pattern of pressures being brought against education, the press, art and images, films, broadcast media, and the Internet. The problem is not only one of actual censorship. The shadow of fear cast by these pressures leads, we suspect, to an even larger voluntary curtailment of expression by those who seek to avoid controversy or unwelcome scrutiny by government officials.

Such pressure toward conformity is perhaps natural to a time of accelerated change. And yet suppression is never more dangerous than in such a time of social tension. Freedom has given the United States the elasticity to endure strain. Freedom keeps open the path of novel and creative solutions, and enables change to come by choice. Every silencing of a heresy, every enforcement of an orthodoxy, diminishes the toughness and resilience of our society and leaves it the less able to deal with controversy and difference.

Now as always in our history, reading is among our greatest freedoms. The freedom to read and write is almost the only means for making generally available ideas or manners of expression that can initially command only a small audience. The written word is the natural medium for the new idea and the untried voice from which come the original contributions to social growth. It is essential to the extended discussion that serious thought requires, and to the accumulation of knowledge and ideas into organized collections.

We believe that free communication is essential to the preservation of a free society and a creative culture. We believe that these pressures toward conformity present the danger of limiting the range and variety of inquiry and expression on which our democracy and our culture depend. We believe that every American community must jealously guard the freedom to publish and to circulate, in order to preserve its own freedom to read. We believe that publishers and

librarians have a profound responsibility to give validity to that freedom to read by making it possible for the readers to choose freely from a variety of offerings.

The freedom to read is guaranteed by the Constitution. Those with faith in free people will stand firm on these constitutional guarantees of essential rights and will exercise the responsibilities that accompany these rights.

We therefore affirm these propositions:

*It is in the public interest for publishers and librarians to make available the widest diversity of views and expressions, including those that are unorthodox, unpopular, or considered dangerous by the majority.*

Creative thought is by definition new, and what is new is different. The bearer of every new thought is a rebel until that idea is refined and tested. Totalitarian systems attempt to maintain themselves in power by the ruthless suppression of any concept that challenges the established orthodoxy. The power of a democratic system to adapt to change is vastly strengthened by the freedom of its citizens to choose widely from among conflicting opinions offered freely to them. To stifle every nonconformist idea at birth would mark the end of the democratic process. Furthermore, only through the constant activity of weighing and selecting can the democratic mind attain the strength demanded by times like these. We need to know not only what we believe but why we believe it.

*Publishers, librarians, and booksellers do not need to endorse every idea or presentation they make available. It would conflict with the public interest for them to establish their own political, moral, or aesthetic views as a standard for determining what should be published or circulated.*

Publishers and librarians serve the educational process by helping to make available knowledge and ideas required for the growth of the mind and the increase of learning. They do not foster education by imposing as mentors the patterns of their own thought. The people should have the freedom to read and consider a broader range of ideas than those that may be held by any single librarian or publisher or government or church. It is wrong that what one can read should be confined to what another thinks proper.

*It is contrary to the public interest for publishers or librarians to bar access to writings on the basis of the personal history or political affiliations of the author.*

No art or literature can flourish if it is to be measured by the political views or private lives of its creators. No society of free people can flourish that draws up lists of writers to whom it will not listen, whatever they may have to say.

*There is no place in our society for efforts to coerce the taste of others, to confine adults to the reading matter deemed suitable for adolescents, or to inhibit the efforts of writers to achieve artistic expression.*

To some, much of modern expression is shocking. But is not much of life itself shocking? We cut off literature at the source if we prevent writers from dealing with the stuff of life. Parents and teachers have a responsibility to prepare the young to meet the diversity of experiences in life to which they will be exposed, as they have a responsibility to help them learn to think

critically for themselves. These are affirmative responsibilities, not to be discharged simply by preventing them from reading works for which they are not yet prepared. In these matters values differ, and values cannot be legislated; nor can machinery be devised that will suit the demands of one group without limiting the freedom of others.

*It is not in the public interest to force a reader to accept the prejudgment of a label characterizing any expression or its author as subversive or dangerous.*

The ideal of labeling presupposes the existence of individuals or groups with wisdom to determine by authority what is good or bad for others. It presupposes that individuals must be directed in making up their minds about the ideas they examine. But Americans do not need others to do their thinking for them.

*It is the responsibility of publishers and librarians, as guardians of the people's freedom to read, to contest encroachments upon that freedom by individuals or groups seeking to impose their own standards or tastes upon the community at large; and by the government whenever it seeks to reduce or deny public access to public information.*

It is inevitable in the give and take of the democratic process that the political, the moral, or the aesthetic concepts of an individual or group will occasionally collide with those of another individual or group. In a free society individuals are free to determine for themselves what they wish to read, and each group is free to determine what it will recommend to its freely associated members. But no group has the right to take the law into its own hands, and to impose its own concept of politics or morality upon other members of a democratic society. Freedom is no freedom if it is accorded only to the accepted and the inoffensive. Further, democratic societies are more safe, free, and creative when the free flow of public information is not restricted by governmental prerogative or self-censorship.

*It is the responsibility of publishers and librarians to give full meaning to the freedom to read by providing books that enrich the quality and diversity of thought and expression. By the exercise of this affirmative responsibility, they can demonstrate that the answer to a "bad" book is a good one; the answer to a "bad" idea is a good one.*

The freedom to read is of little consequence when the reader cannot obtain matter fit for that reader's purpose. What is needed is not only the absence of restraint, but the positive provision of opportunity for the people to read the best that has been thought and said. Books are the major channel by which the intellectual inheritance is handed down, and the principal means of its testing and growth. The defense of the freedom to read requires of all publishers and librarians the utmost of their faculties, and deserves of all Americans the fullest of their support.

We state these propositions neither lightly nor as easy generalizations. We here stake out a lofty claim for the value of the written word. We do so because we believe that it is possessed of enormous variety and usefulness, worthy of cherishing and keeping free. We realize that the application of these propositions may mean the dissemination of ideas and manners of expression that are repugnant to many persons. We do not state these propositions in the comfortable belief that what people read is unimportant. We believe rather that what people read is deeply important; that ideas can be dangerous; but that the suppression of ideas is fatal to a democratic society. Freedom itself is a dangerous way of life, but it is ours.

---

This statement was originally issued in May of 1953 by the Westchester Conference of the American Library Association and the American Book Publishers Council, which in 1970 consolidated with the American Educational Publishers Institute to become the Association of American Publishers.

Adopted June 25, 1953, by the ALA Council and the AAP Freedom to Read Committee; amended January 28, 1972; January 16, 1991; July 12, 2000; June 30, 2004.

Reprinted by Permission of the American Library Association

## Library Bill of Rights

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

I. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.

II. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.

III. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.

IV. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.

V. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.

VI. Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.

---

Adopted June 18, 1948, by the ALA Council; amended February 2, 1961; amended June 28, 1967; amended January 23, 1980; inclusion of "age" reaffirmed January 24, 1996.

Reprinted by Permission of the American Library Association

## Libraries: An American Value

Libraries in America are cornerstones of the communities they serve. Free access to the books, ideas, resources, and information in America's libraries is imperative for education, employment, enjoyment, and self-government.

Libraries are a legacy to each generation, offering the heritage of the past and the promise of the future. To ensure that libraries flourish and have the freedom to promote and protect the public good in the 21st century, we believe certain principles must be guaranteed.

To that end, we affirm this contract with the people we serve:

We defend the constitutional rights of all individuals, including children and teenagers, to use the library's resources and services;

We value our nation's diversity and strive to reflect that diversity by providing a full spectrum of resources and services to the communities we serve;

We affirm the responsibility and the right of all parents and guardians to guide their own children's use of the library and its resources and services;

We connect people and ideas by helping each person select from and effectively use the library's resources;

We protect each individual's privacy and confidentiality in the use of library resources and services;

We protect the rights of individuals to express their opinions about library resources and services;

We celebrate and preserve our democratic society by making available the widest possible range of viewpoints, opinions and ideas, so that all individuals have the opportunity to become lifelong learners - informed, literate, educated, and culturally enriched.

Change is constant, but these principles transcend change and endure in a dynamic technological, social, and political environment.

By embracing these principles, libraries in the United States can contribute to a future that values and protects freedom of speech in a world that celebrates both our similarities and our differences, respects individuals and their beliefs, and holds all persons truly equal and free.

Adopted February 3, 1999, by the  
Council of the American Library Association

Reprinted by Permission of the American Library Association

## Resolution on the USA Patriot Act and Related Measures That Infringe on the Rights of Library Users

WHEREAS, The American Library Association affirms the responsibility of the leaders of the United States to protect and preserve the freedoms that are the foundation of our democracy; and

WHEREAS, Libraries are a critical force for promoting the free flow and unimpeded distribution of knowledge and information for individuals, institutions, and communities; and

WHEREAS, The American Library Association holds that suppression of ideas undermines a democratic society; and

WHEREAS, Privacy is essential to the exercise of free speech, free thought, and free association; and, in a library, the subject of users' interests should not be examined or scrutinized by others; and

WHEREAS, Certain provisions of the [USA PATRIOT Act](#), the revised Attorney General Guidelines to the Federal Bureau of Investigation, and other related measures expand the authority of the federal government to investigate citizens and non-citizens, to engage in surveillance, and to threaten civil rights and liberties guaranteed under the United States Constitution and Bill of Rights; and

WHEREAS, The USA PATRIOT Act and other recently enacted laws, regulations, and guidelines increase the likelihood that the activities of library users, including their use of computers to browse the Web or access e-mail, may be under government surveillance without their knowledge or consent; now, therefore, be it

RESOLVED, That the American Library Association opposes any use of governmental power to suppress the free and open exchange of knowledge and information or to intimidate individuals exercising free inquiry; and, be it further

RESOLVED, That the American Library Association encourages all librarians, library administrators, library governing bodies, and library advocates to educate their users, staff, and communities about the process for compliance with the USA PATRIOT Act and other related measures and about the dangers to individual privacy and the confidentiality of library records resulting from those measures; and, be it further

RESOLVED, That the American Library Association urges librarians everywhere to defend and support user privacy and free and open access to knowledge and information; and, be it further

RESOLVED, That the American Library Association will work with other organizations, as appropriate, to protect the rights of inquiry and free expression; and, be it further

RESOLVED, That the American Library Association will take actions as appropriate to obtain and publicize information about the surveillance of libraries and library users by law enforcement agencies and to assess the impact on library users and their communities; and, be it further

RESOLVED, That the American Library Association urges all libraries to adopt and implement patron privacy and record retention policies that affirm that "the collection of personally identifiable information should only be a matter of routine or policy when necessary for the fulfillment of the mission of the library" (ALA [Privacy: An Interpretation of the Library Bill of Rights](#)); and, be it further

RESOLVED, That the American Library Association considers sections of the USA PATRIOT Act are a present danger to the constitutional rights and privacy rights of library users and urges the United States Congress to:

provide active oversight of the implementation of the USA PATRIOT Act and other related measures, and the revised Attorney General Guidelines to the Federal Bureau of Investigation;

hold hearings to determine the extent of the surveillance on library users and their communities; and

amend or change the sections of these laws and the guidelines that threaten or abridge the rights of inquiry and free expression; and, be it further

RESOLVED, That this resolution be forwarded to the President of the United States, to the Attorney General of the United States, to Members of both Houses of Congress, to the library community, and to others as appropriate.

Initiated by: Committee on Legislation

Cosponsored by: Committee on Legislation and Intellectual Freedom Committee

Endorsed by: OITP Advisory Committee, LITA

Endorsed in principle by: ACRL, ALTA Executive Board, ALSC, ASCLA, AASL Legislation Committee, Intellectual Freedom Round Table

Prior History: CD#19.1 January 2002, CD#20.5 January 2002, CD#20.3 January 2002

***Adopted by the ALA Council, January 29, 2003***

Reprinted by Permission of the American Library Association



# Section 2: Challenged Materials

## Censorship and Challenges

“Intellectual Freedom is the right of every individual to both seek and receive information from all points of view without restriction. It provides for free access to all expressions of ideas through which any and all sides of a question, cause or movement may be explored. Intellectual freedom encompasses the freedom to hold, receive and disseminate ideas.” — [Intellectual Freedom and Censorship Q & A](#)

"Restriction of free thought and free speech is the most dangerous of all subversions. It is the one un-American act that could most easily defeat us." --Supreme Court Justice William O. Douglas, "[The One Un-American Act](#)." [Nieman Reports](#) , vol. 7, no. 1 (Jan. 1953): p. 20.

“First Amendment freedoms are most in danger when the government seeks to control thought or to justify its laws for that impermissible end. The right to think is the beginning of freedom, and speech must be protected from the government because speech is the beginning of thought.”— Supreme Court Justice Anthony M. Kennedy, [Ashcroft V. Free Speech Coalition](#) (00-795) 198 F.3d 1083, affirmed.

“Most attempts at suppression rest on a denial of the fundamental premise of democracy: that the ordinary citizen, by exercising critical judgment, will accept the good and reject the bad. The censors, public and private, assume that they should determine what is good and what is bad for their fellow citizens.”— [The Freedom to Read Statement](#)

Reprinted by Permission of the American Library Association

## Challenged Materials: An Interpretation of the Library Bill of Rights

The American Library Association declares as a matter of firm principle that it is the responsibility of every library to have a clearly defined materials selection policy in written form that reflects the [\*Library Bill of Rights\*](#), and that is approved by the appropriate governing authority.

Challenged materials that meet the criteria for selection in the materials selection policy of the library should not be removed under any legal or extra-legal pressure. The *Library Bill of Rights* states in Article I that “Materials should not be excluded because of the origin, background, or views of those contributing to their creation,” and in Article II, that “Materials should not be proscribed or removed because of partisan or doctrinal disapproval.” Freedom of expression is protected by the Constitution of the United States, but constitutionally protected expression is often separated from unprotected expression only by a dim and uncertain line. The Constitution requires a procedure designed to focus searchingly on challenged expression before it can be suppressed. An adversary hearing is a part of this procedure.

Therefore, any attempt, be it legal or extra-legal, to regulate or suppress materials in libraries must be closely scrutinized to the end that protected expression is not abridged.

Adopted June 25, 1971, by the ALA Council; amended July 1, 1981; January 10, 1990

Reprinted by Permission of the American Library Association

## The Censor: Motives and Tactics

From the Intellectual Freedom Manual (sixth edition, Office for Intellectual Freedom, ALA, Chicago, IL, 2002, pp. 366–369.)

The term *censor* often evokes the mental picture of an irrational, belligerent individual. Such a picture, however, is misleading. In most cases, the one to bring a complaint to the library is a concerned parent or a citizen sincerely interested in the future well being of the community. Although complainants may not have a broad knowledge of literature or of the principles of freedom of expression, their motives in questioning a book or other library material are seldom unusual. Any number of reasons is given for recommending that certain material be removed from the library. Complainants may believe that the materials will corrupt children and adolescents, offend the sensitive or unwary reader, or undermine basic values and beliefs. Sometimes, for these reasons, they may argue that the materials are of no interest or value to the community.

Although an attempt to stereotype the censor would be unfair, one generalization can be made: regardless of specific motives, all would-be censors share one belief—that they can recognize "evil" and that other people must be protected from it. Censors do not necessarily believe their own morals should be protected, but they do feel compelled to save their fellows.

### Why Censorship?

In general, there are four basic motivational factors that may lie behind a censor's actions. The four motivations are by no means mutually exclusive; indeed, they often merge, both in outward appearance and in the censor's mind.

*Family values.* In some cases, the censor may feel threatened by changes in the accepted, traditional way of life. Changes in attitudes toward the family and related customs are naturally reflected in library materials. Explicitly sexual works in particular are. Often viewed as obvious causes of repeated deviation from the norm. Because they challenge values, censors may want to protect children from exposure to works dealing frankly with sexual topics and themes.

*Religion.* The censor may also view explicitly sexual works and politically unorthodox ideas as attacks on religious faith. Antireligious works, or materials that the censor considers damaging to religious beliefs, cause concern about a society many see as becoming more and more hostile to religious training, and these works buttress beliefs about society's steady disintegration.

*Political views.* Changes in the political structure can be equally threatening. The censor may view a work that advocates radical change as subversive. (The fact that such works have been seen as attacking basic values is confirmed by the number of attempts to label library materials with such broad terms as "communistic," "un-American," or "ungodly.") If these works also contain less than polite language, it will not be difficult for the censor to formulate an attack on the grounds of obscenity in addition to-- and sometimes to cover up-- objections on political grounds.

*Minority rights.* Of course, not all censors are interested in preserving traditional social order. Groups who want their own special group values recognized have joined the conservative censor. For example, ethnic minorities and women struggling against long-established stereotypes are

anxious to reject materials viewed as perpetuating those stereotypes. These groups too may use the devices of the censor.

Whatever the censor's motives, attempts to suppress certain library materials may also stem from a confused understanding of the role of the library and of the rights of other library users. The censor's concern about library materials is based upon a view of the library as an important social institution. But the censor may fail to see that the library fulfills its obligations to the community it serves by providing materials presenting all points of view and that it is not the function of the library to screen materials according to arbitrary standards of acceptability. Would-be censors may think that it is the role of the library to support certain values or causes-which are, of course, their values and their causes.

In the United States, under the First Amendment, no citizen and no librarian can properly assume the duty or right to restrict or suppress legally protected expressions of ideas. The censor may not understand that a request that certain works be labeled or restricted, if fulfilled, would lead to an abridgment of the rights of other library users.

### The Censor in Action

A censorship incident usually begins with a library user's complaint about specific library materials. In general, the immediate aim of the complainant is to inform the library that the materials in question are unacceptable. In some cases, the complainant may assume that the library will immediately agree that the materials are not appropriate and should not be in the library.

The censor may want to state publicly that he has found "objectionable" materials in the library and may attend a meeting of the library board to announce his "discovery." Those sections of the work that are considered especially offensive may be read aloud or distributed in writing to the library board, the local press, and the public. The censor may also go one step further and organize an ad hoc censorship organization. Even if an ad hoc group is loosely organized, the censors could use it effectively to promote a statement of purposes among other community groups, to conduct a letter-to-the-editor campaign, and to circulate petitions. The organization could also influence public funding, the appointment of the library director, and the appointment or election of library board members.

Although most censorship incidents begin with an objection to a specific work, if the censors are unsuccessful in getting the item banned, they may turn their efforts to library policy. If they cannot bring about a change in the library's policy on materials selection and distribution, they may then ask that the library establish a closed shelf or adopt a policy of restricted access.

### Opposing the Censor

Well in advance of the appearance of the censor, a materials selection program, a procedure for handling complaints, and a public relations program will, of course, have been established. After the censor comes, censorship of library materials can be resisted by informing a number of key support sources: (1) community leaders and community organizations who would support the position of the library, (2) local news media whose editorial support would be valuable, (3) other librarians in the community and state whose support could then be available if needed, (4) the publisher of the challenged work who may have on file all its reviews and also may be interested

in the legal questions raised by such practices as labeling and restricted access, (5) all library staff members and the governing board, (6) library's legal counsel, (7) the state library association's intellectual freedom committee, and (8) ALA's Office for Intellectual Freedom.

A censorship attempt presents the library with a good opportunity to explain the philosophy of intellectual freedom that underlies library service in the United States. For example, the library should prepare an article for local newspapers, explaining the role of the library and its commitment to the *Library Bill of Rights*. The article can emphasize the importance of the freedom to read as established by the First Amendment.

It is important to keep in mind that not every attempt to resist censorship will be successful; in many instances, developments will take a discouraging turn. However, it is certain that if the library is not prepared to offer any resistance, no battle will be won. And every battle won will contribute to establishing the library as an institution for free citizens in an open society.

Reprinted by permission of the American Library Association

# Coping with Challenges: Strategies and Tips for Dealing with Challenges to Library Materials

## Introduction

Libraries are often challenged by individuals and groups concerned about the availability of a wide variety of library materials to everyone.

Addressing these challenges requires a balance of carefully crafted library policy, knowledge and understanding of intellectual freedom principles, and sensitivity to community needs and concerns. It also requires effective communication.

This tip sheet has been prepared by the American Library Association (ALA) to help you plan for and deal with such challenges. It can help you educate library staff and trustees, inform the public and work with the media. Some tips are specific to a type of library or service, while others are for general use.

The ALA Office for Intellectual Freedom has information and resources to assist you at any stage of a challenge. Established in 1967, the office is charged with implementing ALA policy on free access to libraries and library materials. The goal is to educate librarians and the general public about the importance of intellectual freedom in libraries.

Other ALA offices and divisions also provide assistance. See the ALA Resource List provided or call the toll-free ALA Member Line: 800-545-2433. Extensions and e-mail addresses are listed below.

## Contributors

[ALA Library and Research Center](#), [library@ala.org](mailto:library@ala.org), ALA Library, ext. 2153

[ALA Office for Intellectual Freedom](#), [oif@ala.org](mailto:oif@ala.org), OIF, ext. 4223

[ALA Public Information Office](#), [pio@ala.org](mailto:pio@ala.org), PIO, ext. 5044

[American Association of School Librarians](#), [aasl@ala.org](mailto:aasl@ala.org), AASL, ext. 4836

[American Library Trustees & Advocates](#), [alta@ala.org](mailto:alta@ala.org), ALTA, ext. 2161

[Association for Library Service to Children](#), [alsc@ala.org](mailto:alsc@ala.org), ALSC, ext. 2163

[Public Library Association](#), [pla@ala.org](mailto:pla@ala.org), PLA, ext. 5025

[Young Adult Library Services Association](#), [yalsa@ala.org](mailto:yalsa@ala.org), YALSA, ext. 4391

Published by the

[American Library Association](#)

50 E. Huron St.

Chicago, IL 60611

E-mail: [ala@ala.org](mailto:ala@ala.org)  
© 1999

## Communicating Effectively

A few simple communication techniques can go a long way toward defusing emotion and clearing up misunderstanding. Make sure your staff is trained in procedures for handling complaints and understands the importance of treating all people with respect. The goal is to resolve complaints informally whenever possible.

### One on one

Greet the person with a smile. Communicate your openness to receive inquiries and that you take them seriously. Listen more than you talk.

Practice “active listening.” Take time to really listen and acknowledge the individual’s concern. This can be as simple as “I’m sorry you’re upset. I understand your concern.”

Stay calm and courteous. Upset parents are not likely to be impressed by talk about the [First Amendment](#) or [Library Bill of Rights](#). Talk about freedom of choice, the library’s role in serving all people and the responsibility of parents to supervise their own children’s library use. Avoid library jargon.

Distribute facts, policy and other background materials in writing to all interested parties. Avoid giving personal opinions.

Be prepared to give a clear and non-intimidating explanation of the library’s procedure for registering a complaint and be clear about when a decision can be expected.

### Dealing with the media

When a challenge occurs, realize this may attract media attention. How effectively you work with the media may well determine how big the story becomes and will help to shape public opinion.

#### *Some suggestions:*

Have one spokesperson for the library. Make sure that reporters, library staff and the members of the board know who this is. Make it clear that no one other than this spokesperson should express opinions on behalf of the library.

Prepare carefully for any contacts with the media. Know the most important message you want to deliver and be able to deliver it in 25 words or less. You will want to review your library’s

borrowing and collection development policies and the American Library Association's *Library Bill of Rights*.

Practice answering difficult questions and answers out loud. You may wish to invest in a session with a professional media consultant. ALA offers this training at Annual Conferences.

Keep to the high ground—no matter what. Don't mention the other side by name, either personal or corporate. Be careful to speak in neutral terms. Name calling and personalization are great copy for reporters but create barriers to communication.

Do not let yourself be put on the defensive. Stay upbeat, positive—"Libraries are vital to democracy. We are very proud of the service our library provides." If someone makes a false statement, gently but firmly respond: "That's absolutely incorrect. The truth is the vast majority of parents find the library an extremely friendly, safe place for their children. We receive many more compliments from parents than we do complaints."

Be prepared to tell stories or quote comments from parents and children about how the library has helped them.

Be strategic in involving others. For instance, board members, friends of libraries, community leaders, teachers and other supporters can assist by writing letters to the editor or an opinion column and/or meeting with a newspaper editorial board or other members of the media.

#### More tips

The following tips apply both when dealing with the media and when speaking to other audiences—community groups, trustees, staff:

Never repeat a negative. Keep your comments upbeat and focused on service.

Keep it simple. Avoid professional jargon. Try to talk in user-friendly terms your audience can relate to: Freedom of choice—not the *Library Bill of Rights*. "People with concerns" or "concerned parents"—not censors.

Ask questions. Find out what the approach is, whether there will also be someone with an opposing view present. If you do not feel qualified to address the question or are uncomfortable with the approach, say so. Suggest other angles ("The real issue is freedom of choice. . .")

Be clear who you represent—yourself or your library.

Know your audience. Make sure you know which newspaper, radio or TV station you're dealing with and who the audience is—whether they're parents, seniors, teenagers, their ethnic background, religious affiliation and anything else that will help you focus your remarks.

Anticipate the standard "Who-What-When-Where-and-Why" questions and develop your answers beforehand. Keep your answers brief and to the point. Avoid giving too much information. Let the reporter ask the questions.

Beware of manipulation. Some reporters may ask leading questions, something like “Isn’t it true that . . . ?” Make your own statement.

Don’t rush. Pause to think about what you want to say and the best way to say it. Speak deliberately. It will make you sound more thoughtful and authoritative.

Don’t be afraid to admit you don’t know. “I don’t know” is a legitimate answer. Reporters do not want incorrect information. Tell them you’ll get the information and call back.

Provide hand-outs with copies of relevant policies, statistics, other helpful information. You also may want to provide a written copy of your statement.

Never say “No comment.” A simple “I’m sorry I can’t answer that” will suffice.

Remember, nothing is “off the record.” Assume that anything you say could end up on the front page or leading the news broadcast.

It’s not just what you say

How you look and the tone of your voice can be as important as what you say—especially on radio and TV or before a live audience.

You want to sound and look professional, but also friendly and approachable. Studies have shown audiences are more likely to trust and believe you if they like how you look and sound.

Smile when you’re introduced, if someone says something funny, if you want to show your enthusiasm for all the good things that your library is doing. On the flip side, be sure not to smile when others are making a serious point.

Dress and make up appropriately. There are many articles and books on what works for TV and speaking appearances. On radio, use your voice as a tool to express your feelings—concern, enthusiasm, empathy. A smile can be “heard” on the radio.

Don’t panic if you misspeak. Simply say “I’m sorry, I forgot what I was going to say.” Or, “I’m sorry I was confused. The correct number is...” To err is human, and audiences are very forgiving of those who confess—but don’t agonize over—their mistakes.

Sample questions and answers

The following questions provide sample language to use when answering questions from the media and other members of the public. You will want to personalize your remarks for your library and community. Remember, keep it simple. Keep it human.

What is the role of libraries in serving children?

The same as it is for adults. Libraries provide books and other materials that will meet a wide

range of ages and interests. Many libraries have special areas for children and teenagers. They also have many special programs, such as preschool storyhour, movies, puppet shows, term paper clinics. In fact, more children participate in summer reading programs at libraries than play Little League baseball!

Why don't libraries restrict certain materials based on age like movie theaters or video stores? Movie theaters and video stores are private businesses and can make their own policies. Libraries are public institutions. They cannot limit access on the basis of age or other characteristics. Our library does provide copies of movie reviews and ratings, and we encourage parents to use them in guiding their children's library use.

How do libraries decide what to buy?

Every library has its own policies, which are approved by its board. Our library has adopted the *Library Bill of Rights*. We also have a mission statement that says our goal is to serve a broad range of community needs. Librarians are taught as part of their professional education to evaluate books and other materials and to select materials based on library policies.

What is the *Library Bill of Rights*?

The *Library Bill of Rights* is a policy statement adopted by the American Library Association to protect the right of all library users to choose for themselves what they wish to read or view. The policy is more than 50 years old and has been adopted voluntarily by most libraries as a way of ensuring the highest quality library service to their communities.

Does that mean a child can check out *Playboy* or other materials intended for adults?

We believe in freedom of choice for all people but we also believe in common sense. It would be extremely unusual for a young child to check out that type of adult material. Most libraries are designed with special areas for children and teenagers. And there are librarians to provide assistance. We also provide suggested reading lists to help them make appropriate choices. Our goal is to provide the best possible service for young people, and we are very proud of what we offer. If you haven't been to our library recently, we encourage you to come and see for yourself!

What should I do if I find something I don't approve of in the library?

Libraries offer a wide range of materials, and not everyone is going to like or approve of everything. If you have a concern, simply ask to speak to a librarian. We do want to know your concerns, and we're confident we have or can get materials that meet your needs. The library also has a formal review process if you wish to put your concern in writing.

What does the library do if someone complains about something in its collection?

We take such concerns very seriously. First, we listen. We also have a formal review process in which we ask you to fill out a special form designed to help us understand your concerns. Anyone who makes a written complaint will receive a response in writing.

What can parents do to protect their children from materials they consider offensive?

Visit the library with your children. If that's not possible, ask to see the materials your children bring home. Set aside a special shelf for library materials. If there are materials on it you don't approve of, talk with your children about why you would rather they not read or view them. Most libraries provide suggested reading lists for various ages. And librarians are always glad to advise children and parents on selecting materials we think they would enjoy and find helpful.

I pay tax dollars to support the library. Why shouldn't I be able to control what my kids are exposed to?

You can control what your children are exposed to simply by going with them to visit the library or supervising what they bring home. The library has a responsibility to serve all taxpayers, including those you may not agree with—or who may not agree with you. We believe parents know what's best for their children, and each parent is responsible for supervising his or her child.

## Key messages

When responding to a challenge, you will want to focus on three key points:

1. Libraries provide ideas and information across the spectrum of social and political views.
2. Libraries are one of our great democratic institutions. They provide freedom of choice for all people.
3. Parents are responsible for supervising their own children's library use.

These simple, but sometimes overlooked essentials, are the bulwark against challenges.

## Public Libraries

An ounce of prevention is worth a pound of cure. Make sure all library staff and board members understand the library's policies and procedures for dealing with challenges. Provide customer service and other human relations training that will help staff deal effectively with sensitive matters.

## Tips for directors

Make sure you have an up-to-date selection policy, reviewed regularly by your library board, which includes a request for reconsideration form.

As a public institution, the library must develop and implement all policies within the legal framework that applies to it. Have your policies reviewed regularly by the library's legal counsel for compliance with federal and state constitutional requirements, federal and state civil rights legislation, other applicable federal and state legislation, including confidentiality legislation and applicable case law.

Have the request for reconsideration form available at your major service desks and at all your branch facilities.

Work with your trustees to ensure that they know and understand the library's policies. Institute formal education procedures so all library trustees have the same information.

Model the behavior you want your staff to practice. When confronted by an individual or representative of an organization that wants an item or items removed or reclassified, listen

closely and carefully to what is being said (and what is not). Respect that person's right to have an opinion, and empathize. Keep the lines of communication open to the greatest possible extent.

Work with your frontline staff (children's librarians, reference librarians, circulation, branch, bookmobile and support staff) to make sure they understand the library's policies. Help them to understand that they are responsible for implementing the library's policy, not their personal beliefs, while they are on duty. Make this a part of customer service training for your staff.

Have an ongoing public relations program to communicate the many ways your library serves all members of the community, especially families.

Build a solid working relationship with your local media before controversy arises. Provide them with upbeat, positive stories about what the library is doing, especially in the area of children's services.

Put key contacts on your library mailing list. The time to build these relationships is before you need them.

Hit the talk circuit. Every social, fraternal and religious organization that meets regularly needs speakers for its meetings. This is your opportunity to reach leaders and opinion makers in your community and to build a support network.

#### Tips for trustees

First, remember your role. As a library trustee, you have a responsibility to speak your mind, and to argue forcibly for your point of view within the forum of the board. Once the board has made a decision, it is your responsibility to support the decision of the majority. If you disagree for whatever reason, do not speak out publicly. If, for reasons of conscience, you feel you cannot be silent, it is best to resign from the board before making your opposition public.

Work with your library director to ensure that the necessary policies are in place and that they are reviewed regularly and thoroughly. Review and affirm your library's selection policy annually and make sure it is followed carefully.

Insist that the entire board understands the library's collection policy and that it be involved in reviewing and reaffirming this policy annually.

Be an effective advocate for the library. Use your contacts in the community to educate and mobilize others in support of the library.

Bring what you hear back to the library director. Your roots in the community may be much deeper and of longer duration than those of the director. The things that people will tell you that they won't tell a director can provide valuable feedback.

Be involved with the professional state and national organizations serving library trustees.

Remember the roots of the word “trustee.” The community has placed its trust in you to act as an effective steward for the library. This means representing the interests of the entire community, not just a vocal minority.

#### Tips for children’s and young adult librarians

Make sure you and your staff are familiar with the library’s collection policy and can explain it in a clear, easily understandable way.

Take time to listen to and empathize with a parent’s concern. Explain in a non-defensive way the need to protect the right of all parents to determine their own children’s reading.

Keep your director informed of any concerns expressed, whether you feel they have been successfully resolved or not.

Join professional organizations to keep abreast of issues and trends in library service to children and families.

Encourage parents or guardians to participate in choosing library materials for their young people and to make reading aloud a family activity. Host storytelling, book discussion groups and other activities that involve adults and youth.

Offer “parent education” programs/workshops throughout the year. National Library Week in April, Teen Read Week in October and Children’s Book Week in November provide timely opportunities. Suggested topics: how to select books and other materials for youth; how to raise a reader; how books and other materials can help children and teens cope with troubling situations; the importance of parents being involved in their children’s reading and library use; concepts of intellectual freedom.

Reach out to the media. Offer to write a newspaper column or host a radio or TV program discussing good books and other materials for children and teens. Give tips for helping families get the most from libraries.

Build bridges. Offer to speak to parent and other groups on what’s new at the library, good reading for youth, how to motivate children and teens to read, how to make effective use of the library and other topics of special interest.

#### School Libraries

School librarians play a key role in making sure that students have the broad range of resources and ideas they need to develop critical thinking skills. Challenges to materials provide a “teachable moment” that can help you build understanding and support for the principles of intellectual freedom, including First Amendment rights, student rights of access and professional ethics.

## Applying the principles of intellectual freedom

Connect academic freedom with intellectual freedom. Academic freedom guarantees the teacher's right to teach and to select classroom and library resources for instruction.

Make sure everyone involved understands the right of people in a democratic society to express their concerns and that all people have the right to due process in the handling of their complaints.

Explain the obligation of the school district to provide intellectual and physical access to resources that provide for a wide range of abilities and differing points of view.

Define intellectual and physical access when appropriate. Intellectual access includes the right to read, receive and express ideas and the right to acquire skills to seek out, explore and examine ideas. Physical access includes being able to locate and retrieve information unimpeded by fees, age limits, separate collections or other restrictions.

Emphasize the need to place the principles of intellectual and academic freedom above personal opinion, and reason above prejudice, when selecting resources.

Connect intellectual freedom and access. The freedom to express your beliefs or ideas becomes meaningless when others are not allowed to receive or have access to those beliefs or ideas.

Stress the need for teachers and librarians to be free to present students with alternatives and choices if students are to learn and use critical thinking and decision-making skills.

## Protecting students and staff with a materials selection policy

Update your materials selection policy. Include a formal reconsideration process for textbooks, gift materials, electronic and other resources used in classrooms, laboratories and libraries. Seek board of education approval.

Be sure to include the educational goals of the school district and to relate the selection policy to these goals.

Emphasize the positive role of the selection policy in clarifying the use of educational resources and in ensuring stability and continuity regardless of staff change.

To ensure uniformity and fairness in dealing with complaints, delegate the responsibility for dealing with complaints and requests for reconsideration to the principal in each school.

Inform all your school staff (including nurses, secretaries, cafeteria workers and custodians) about the materials selection policy and reconsideration process. Review the policy with staff at the beginning of each school year.

Distribute a copy of the policy with a simple statement that explains its importance in protecting students, teachers and librarians against censorship.

## Preparing for challenges

Develop rationales for the use of required materials in each department and/or grade.

Introduce the rationales at Parent's Night or open houses or through the school newsletter to help parents understand what materials are being taught and why.

Work with administrators, teachers and librarians to prepare a list of alternative materials for instructional activities.

Prepare a packet of materials, including the school district's educational goals and materials selection policy, to give to those registering concerns.

Review all policies dealing with access to ensure that school rules are conducive to free and open access to the library.

Prepare an audiocassette that explains principles of intellectual and academic freedom contained in the materials selection policy and reconsideration process for staff members to listen to at home or in their car.

Inform staff and board members that complaints and requests for reconsideration made by them will get the same due process as from a parent or community member.

Engage students in discussions and activities related to intellectual freedom. An educated and informed student body can provide a strong support group for the school when educational resources are challenged.

Remind school administrators that to ignore or override a board-approved materials selection policy can place them in legal jeopardy.

Unite with other groups in your community that are concerned with intellectual freedom issues. Make them aware of the rights of children and young adults.

Educate administrators, teachers and other school personnel to the importance of the school library and the role it plays in the education of the student as part of in-service training.

## Helping everyone understand the reconsideration process

Be clear that materials under reconsideration will not be removed from use, or have access restricted, pending completion of the reconsideration process.

Emphasize that parents can request only that their child be denied access to materials being reconsidered.

Develop a time frame to guide the reconsideration process. For example, the building principal should act within 20 working days.

Emphasize that the reconsideration process is to collect information in order to make thoughtful decisions.

Keep careful and accurate records of all requests for reconsideration, even those settled informally.

Report all requests for reconsideration to the superintendent and other staff members. It is important to demonstrate the ability and commitment to protect the rights of students and staff and still provide due process for those registering their concern.

Provide clear instruction to the appointed reconsideration committee. Have the committee focus on principles rather than attempt to define or interpret materials or parts of materials.

Keep the request for reconsideration form uncomplicated and non-threatening.

Direct the reconsideration committee to prepare a report presenting both majority and minority opinions. Present the report to the principal when the process is completed.

Keep staff and administrators informed about the reconsideration process and progress toward resolution. Rumors and speculation can distort everyone's perceptions of the situation.

Explain the benefits of a board-approved materials selection policy, which guides staff in the selection of materials and minimizes the arbitrary and personal element. Such a policy also clarifies to the community how the school decides what materials will be used.

## Support Groups

In addition to the [ALA offices and divisions listed earlier](#), the following organizations are sources of support. (See also [First Amendment Advocates](#).)

### [American Civil Liberties Union \(ACLU\)](#)

132 West 43rd Street  
New York, NY 10036  
212-944-9800

A public interest organization dedicated to protecting civil rights and preserving the First Amendment concepts of religious liberty, separation of church and state, and freedom of expression.

### [Freedom to Read Foundation \(FTRF\)](#)

50 East Huron Street  
Chicago, IL 60611  
312-280-4226

A foundation that promotes and defends the First Amendment right of free expression, particularly through library collections. The foundation also provides legal counsel and other support for libraries and librarians suffering injustices due to their defense of freedom of speech and of the press.

### [Institute for First Amendment Studies](#)

P.O. Box 589  
Great Barrington, MA 01230  
413-528-3800

A research organization dedicated to protecting First Amendment freedoms, with particular emphasis on the separation of church and state.

[National Coalition Against Censorship](#)

275 Seventh Ave.  
New York, NY 10001  
212-807-6222

A coalition of national, non-profit organizations dedicated to fighting censorship.

[People for the American Way](#)

2000 M Street NW, Suite 400  
Washington, DC 20036  
202-467-4999

A public interest organization that provides legal and technical assistance to educators and parents facing censorship challenges in their communities and schools.

[Support for Learning and Teaching of English](#)

[National Council of Teachers of English](#)

1111 W. Kenyon Road  
Urbana, IL 61801-1096  
217-328-9645

An educational organization that provides information and support to teachers, school administrators or others facing challenges to curriculum materials.

## ALA Resources

The *Library Bill of Rights* and other free materials can be obtained from the [ALA Office for Intellectual Freedom](#). Many of these documents are available on the [OIF home page](#).

To order other ALA materials, call 800-545-2433, press 7, or fax: 312-836-9958. Or, use the appropriate extension where listed.

American Library Trustees & Advocates. *Trustee Voice*. 4 issues/year. Chicago: ALA. Free for ALTA members.

Doyle, Robert P. *Banned Books: 1999 Resource Book*. Chicago: ALA, 1999, \$20. Includes a bibliography.

Intellectual Freedom Committee. *Newsletter on Intellectual Freedom*. Bi-monthly. Chicago: ALA, \$40/year.

Office for Intellectual Freedom (OIF). *Hit List: Frequently Challenged Books for Children 2*, 2nd Edition. Chicago: ALA, 2002, \$25.

Office for Intellectual Freedom. [Intellectual Freedom and Censorship Q and A](#) (brochure). OIF. Single copies \$2, special prices for bulk orders, OIF, ext. 4223.

Office for Intellectual Freedom. *Intellectual Freedom Manual, 6th Edition*. Chicago: ALA, 2002, \$45.

Office for Intellectual Freedom. [\*Workbook for Selection Policy Writing\*](#). Chicago: ALA, 1983. \$2.

Penway, Anne, ed. *Confidentiality in Libraries: An Intellectual Freedom Modular Education Program*. Includes modules on: Policy Development, Technology and Confidentiality, Libraries and the Law, Using the Legislative Process, and Media and Public Relations. Chicago: ALA, 1993. Trainer's Manual: \$99; \$15 each for workbooks.

Public Information Office (PIO). *Library Advocate's Handbook*. Includes tips for organizing an advocacy campaign, public speaking and dealing with the media. Single copies \$2, special prices for bulk quantities. PIO, ext. 5044.

Reichman, Henry F. *Censorship and Selection: Issues and Answers for Schools, 3rd Edition*. Chicago: ALA, 2001. \$35.

Young, Virginia G. *The Library Trustee: A Practical Guidebook, 5th Edition*. Chicago: ALA, 1995, \$40.

Young Adult Library Association. *Hit List: Frequently Challenged Young Adult Titles 2, 2nd Edition*. Chicago: YALSA, 2002. \$25.

#### Selection aids

Association for Library Service to Children (ALSC). *101 Books for Children: A Good Place to Start* (brochure). 1995. Single copies free from ALSC with SSAE, ext. 2163.

Association for Library Service to Children (ALSC). *Building a Home Library* (brochure). Chicago: ALSC, 1992. Single copies free from ALSC with SSAE, ext. 2163.

Association for Library Service to Children. *How to Raise a Reader* (brochure). Single copies free from ALSC with SSAE, ext. 2163.

Association for Library Service to Children(ALSC)/Young Adult Library Services Association (YALSA). *Journal of Youth Services in Libraries*. 4 issues/year. Free to members. \$40/year subscription.

Balay, Robert, ed. *Guide to Reference Books, 11th Edition*. Chicago: ALA, 1996, \$275.

*Book Links: Connecting Books, Libraries, and Classrooms*. 6 issues/year. Chicago: ALA, \$19.95/year subscription. (See [www.ala.org/BookLinks/.](http://www.ala.org/BookLinks/))

*Booklist*. 22 issues/year. Chicago: ALA, \$69.50/year subscription. (See [www.ala.org/booklist/index.html](http://www.ala.org/booklist/index.html).)

Helmer, Dona J., ed. *Selecting Materials for School Library Media Centers, 2nd Edition*. Chicago: American Association of School Librarians, 1993. Out-of-print.

Reid, Rob. *Children's Jukebox: A Subject Guide to Musical Recordings and Programming Ideas for Songsters Ages 1 to 12*. Chicago: ALA, 1995. Out-of-print.

Richardson, Selma K. *Magazines for Children: A Guide for Parents, Teachers, and Librarians, Second Edition*. Chicago, ALA, 1991. Out-of-print.

### Videotapes

The following videotapes are available on interlibrary loan from your local library or the ALA Library and Research Center.

Controlling the Confrontation, 1989. Tips from media pro Art Lustberg on dealing with the media and other sensitive situations (44 min.). The tape (\$99 minus 10 percent ALA member discount) can be ordered from ALA Video/Library Video Network, 320 York Rd., Towson, MD 21204. Telephone: 800-441-TAPE (8273). Fax: 410-887-2091.

Perfecting Presentations, 1992. More tips from Lustberg on how to deliver an interesting and effective presentation (37 min.). The tape (\$150 minus 10 percent ALA member discount) includes the book, *Podium Power*, and can be ordered from ALA Video/Library Video Network, 320 York Rd., Towson, MD 21204. Telephone: 800-441-TAPE (8273). Fax: 410-887-2091.

### Other

Media training for librarians is available from ALA. Contact the ALA Public Information Office. Telephone: 800-545-2433, ext. 5044. Fax: 312-944-8520. E-mail: [pio@ala.org](mailto:pio@ala.org)

For additional assistance with challenges, see [Reporting a Challenge](#).

Reprinted by Permission of the American Library Association

## Coping with Challenges

### Kids and Libraries: What You Should Know

Kids and curiosity go together. Children and teenagers have an unquenchable thirst for knowledge that usually pleases but sometimes overwhelms their parents. Why? How? The questions never seem to end!

Fortunately, there are libraries and librarians to help answer these unending questions, send kids on wondrous adventures and provide them with the resources they need to learn and grow. And parents can relax knowing it is a friendly place for all families.

With so much available, how can you help your family make the best use of the library?

Here are answers to some commonly asked questions, along with suggestions for helping children become lifelong learners and library users.

What is the role of libraries and librarians in serving children?

Libraries are family-oriented public institutions charged with making a broad selection of materials available for everyone, including children and teenagers.

Most public libraries have special areas for children and teens with materials that appeal to various ages and interests. Libraries also offer summer reading programs, storytelling, book discussions and other special programs for young people. Programs such as these help kids learn to enjoy libraries and use them for their information and entertainment needs.

School libraries have a responsibility to support their school's curriculum and to provide materials that serve the diverse backgrounds, interests, maturity levels and reading levels of the entire student body.

How do librarians select their collections?

Each library has its own selection and collection development policies. Criteria may include popular demand, ensuring diversity in the collection, available space and budget. These policies must be approved by the library or school governing board, which is made up of community representatives.

The ultimate responsibility rests with the library director or school superintendent, who delegates selection to appropriate staff acting within the framework of the established policies. In schools, librarians work closely with teachers and school administrators to provide collections that support and supplement the school's curriculum.

The majority of books and other materials selected have been reviewed and recommended by professional librarians or reviewers. Purchases are also sometimes made on the recommendations of book discussion groups or requests by library users.

Selection is an inclusive process, in which librarians seek materials that will provide a broad range of viewpoints and subject matter. This means that while library collections have thousands of items families want, like and need, they also will have materials that some parents may find offensive to them or inappropriate for their children.

Because an item is selected does not mean the librarian endorses or promotes it. He or she is simply helping the library to fulfill its mission of providing information from all points of view.

How are libraries different from movie theaters, book or video stores, which often have restrictions for children and teens?

As public institutions, libraries cannot discriminate based on age, sex, race or any other characteristic. Movie theaters are privately owned businesses that can choose to show only children's movies or westerns. Similarly, video stores can decide not to rent certain movies to anyone under the age of 18.

Libraries must meet the diverse needs of everyone in their communities. They cannot overrule the rights and responsibilities of individuals by deciding who does or doesn't have access to library materials. Most libraries provide movie reviews and ratings for parents to use these in guiding their children's library use.

Can't parents tell the librarian what material they don't think children should have?

Decisions about what materials are suitable for particular children should be made by the people who know them best—their parents or guardians.

Children mature at different rates. They have different backgrounds and interests. And they have different reading levels and abilities. For instance, a video that one 10-year-old likes may not interest another. Or parents may feel a particular library book is inappropriate for their daughter, while the same book may be a favorite of her classmate's family. These factors make it impossible for librarians to set any criteria for restricting use based on age alone. To do so would keep others who want and need materials from having access to them.

Like adults, children and teenagers have the right to seek and receive the information that they choose. It is the right and responsibility of parents to guide their own family's library use while allowing other parents to do the same.

Librarians are not authorized to act as parents. But they are happy to provide suggestions and guidance to parents and youngsters at any time.

What is the [Library Bill of Rights](#)?

The *Library Bill of Rights* is a policy adopted by the American Library Association to guide librarians in serving their communities or schools. This policy, based on the [First Amendment](#), protects the rights of all library users to choose for themselves what they wish to read, listen to or

view. It has been voluntarily adopted by many libraries to ensure that they serve everyone in their communities equally and fairly.

Under the First Amendment, children and teens have the same rights as adults to select the materials they wish to read, listen to or view. The *Library Bill of Rights* simply reminds libraries of their responsibilities to serve all the public, regardless of age.

How can parents help children and teens make the best use of the library?

Allow your kids to explore the library. Children and teens are naturally attracted to materials intended for them. They are generally not attracted to materials that are too advanced for their reading or maturity levels. By asking questions and learning to find their own answers, young people learn to think for themselves, to compare and contrast differing opinions and to analyze what they see and hear, rather than blindly following others.

Ask your librarian for suggestions about materials that are appropriate for your children's ages, maturity levels, knowledge and interests. Read books and brochures that review materials for children or teens. Review those materials yourself to determine if they are what you think your children may like or need. While librarians and resource lists can provide guidance, you know your children and family's needs best.

Discuss your family rules regarding library use with your children. If you are concerned they will not respect your wishes, it is your responsibility to visit the library with them.

When you can't go along, show an interest in what your children bring home from the library. Have a special shelf for library materials and take time to familiarize yourself with them. Ask your children in a non-threatening way to share what they found at the library. Praise their independence and responsibility in caring for library materials and returning them on time.

If you feel an item is inappropriate for your children, use this as an opportunity to express your views and provide guidance. When you return the material, simply ask the librarian to help you find something else from among the many choices available.

Be aware that many young people seek information from libraries that they are embarrassed or afraid to ask an adult. A factual library book, unlike hearsay from friends, can ease their fears or even keep them safe from harm. Remember that just because a child is reading or viewing something, it doesn't mean he or she is participating in or approves of it. If you have a concern, take the opportunity to discuss it.

Be a role model for library use. Nothing teaches children better than seeing you use and enjoy the wide range of materials available.

Establish a family routine of going regularly to the library. Visiting the library once a week or once a month encourages young people to use the library both for learning and pleasure, and teaches them how to find what they need—an invaluable skill for school and a lifetime of learning.

Get to know your public and school librarians. Their expertise can help you and your children get the most out of libraries.

Ask for the item you want. If the library doesn't already own it, the librarian may be able to locate similar materials, borrow it from another library or add it to the collection.

For more information about how your library can meet your family's needs, talk to your librarian.

Reprinted by Permission of the American Library Association

## Conducting a Challenge Hearing

Challenges to materials only occasionally reach the stage of a full-blown administrative hearing; often they are resolved at an earlier step in the challenge resolution process. When a hearing is necessary, however, certain important do's and don'ts should be observed. A number of battles have been lost because the challenge hearing has been poorly organized. Even though procedures have been followed to the letter up to this point, the handling of the challenge hearing may be the weak link in the process.

The challenge process begins when someone objects to materials in a library collection. At this point, providing an explanation of selection procedures, a copy of the selection policy, or a copy of the reconsideration or complaint form will often terminate the problem. Most complainants never return the reconsideration form because he or she sees the logic of the selection process which emphasizes intellectual freedom and due process. The complainant tends to be satisfied in registering a concern and knowing the library is taking the concern seriously.

There are a few, however, who wish to follow through on the procedures established in the selection policy for handling complaints and approved by the governing authority. To activate the reconsideration procedure, a complaint should be in writing. In fact, the written and approved selection policy should state that anonymous phone calls, rumors, or voiced concerns are not honored; action occurs only when the reconsideration or complaint form has been returned. The reconsideration committee, comprised of representatives of all library users and the librarian, should accomplish the following steps:

- Read, view or listen to the challenged material in its entirety;
- Review the selection process and the criteria for selection;
- Check reviews and recommended lists to determine recommendations by the experts and critics;
- Meet to discuss the challenge; and
- Make a recommendation to the administrator on removal, retention, or replacement.

The complainant should be notified of the committee's decision. At the same time, the procedure for appealing the decision, if the complainant disagrees with it, also should be provided. The appeal level may be a school board, a board of trustees or a city or county board of commissioners or council. (The selection policy should clearly identify the chain of command.) The appeal also must be in writing in order for the chair of the governing authority to place it on the agenda for the next meeting. The librarian should follow up on this step to make certain the presiding officer is aware of the policies and procedures which should be followed, including open meetings law and the agenda. Normally, the board conducts a challenge hearing which provides the forum for the complainant to air his or her objections to the title in the collection and the recommendation of the reconsideration committee.

A hearing on challenged material is serious and often lengthy. Such a hearing may be the only item on the agenda; indeed, best results are most often achieved this way.

Never attempt to stage a hearing quietly. The entire community should be aware of the meeting and what has transpired up to this point. The hearing should be announced well in advance. Publicity is very important to assure good attendance at the meeting. Make the time and place

very clear. Indicate in an announcement or news release that an open hearing is being held and that the public is invited. Try to obtain full coverage by the local press, radio and television. Prepare a news release for each of these groups to make certain they have the facts correct. Deliver copies of the media center or library's selection policies to them, along with a copy of the *Library Bill of Rights*. These policies, of course, should include procedures for handling complaints.

Decide in advance on a length of time for the entire hearing. Have a definite beginning and ending time. Guard against overlong meetings when small groups may make decisions in the late hours. This has spelled disaster in some instances.

Attempt to estimate in advance the size of the gathering for the hearing. Make certain the meeting place is large enough to prevent postponing the meeting or changing locations at the last minute. A late site change may result in losing part of the group attending. There have also been situations in which one faction arrived early, securing the choice front seats. To preclude this, the room can be divided, with people favoring retention of the material on one side, opponents of the material on the other.

Seek help and advice from your state intellectual freedom committee, local and state colleges and universities, educational groups, teachers' professional organizations, coalitions, and the ALA Office for Intellectual Freedom. Many of the non-library groups have committees on intellectual freedom, freedom of speech, and/or academic freedom. Even when representatives from these groups are not present at the hearing, solicited resolutions in written form sometimes help in supporting your philosophy.

Make arrangements in advance to tape proceedings and keep minutes. Announce at the hearing where and when these will be available to the general public. They should be accessible as soon as possible after the hearing.

Solicit people who will be willing to speak in support of the freedom to read, view and listen. This pool of speakers should be contacted well in advance of the hearing. In fact, many librarians have lists of persons they have contacted previously and who are library supporters. The best spokespersons in hearings tend to be attorneys, ministers, people from the news media, educators, and, of course, librarians. Response to persons from the local community is usually more favorable than to people brought in from outside. Student speakers are also effective. They speak from the heart and do not have any vested interest other than maintaining their freedom of choice guaranteed by the Constitution.

As people arrive for the hearing, they should be given a copy of the selection policy. The policy should include the following elements, among others: a statement of the philosophy of materials selection, a statement that the governing board is legally responsible for selection of materials, a statement detailing the delegation of this responsibility to the professional library personnel, criteria for selection of materials, procedures for implementing the criteria, and a section on procedures for handling challenged materials. If the *Library Bill of Rights* is not a formal part of the policy, it should be duplicated and distributed as well.

One or more persons should be stationed at the entrance to sign in people wishing to speak. Request that they identify the side on which they will be speaking. If at all possible, attempt to

have the same number of speakers on both sides. They should be allowed to speak in the order they signed in. Limit each speaker to a specific amount of time, i.e., three or four minutes, and appoint a timekeeper in advance. No participant should be allowed to speak a second time until everyone registered has been heard once. It is extremely important to adhere strictly both to the time limits and to the order of the speakers.

All members of your advisory board, your reconsideration committee and governing board should already be well-schooled in intellectual freedom principles and procedures. It is the responsibility of the librarian to accomplish this to ensure their support when a challenge hearing is necessary. All those selected to testify should be reminded they are defending a principle more than an individual title. The actual title in question should play a secondary role. It is very difficult to disagree with the freedom to read, view and listen in a democratic society.

Begin the hearing on time. The chair of the governing board should preside as at any other business meeting. After calling the meeting to order, he or she should review the procedures to be followed at the meeting, even though the procedures for handling complaints are in the selection policy. The board should delay its decision until a later date and this should be announced at the beginning of the hearing. The meeting is simply to hear all sides of the issue.

Through the whole process, it is crucial to follow the traditional advice of remaining calm. Remember to practice what you preach and ensure due process. Listen carefully and courteously to everyone. By using good communication skills, you will help people understand your logic in ensuring diversity in library collections.

Keep your governing authority up-to-date on all events and incidents. Examine your personal philosophy of intellectual freedom on a regular basis. Meet all negative pressure with positive pressures, such as emphasizing intellectual freedom rather than the perils of censorship.

By following this advice, you will be able to conduct a successful challenge hearing and improve your image in the process.

*Gene D. Lanier, the author, is a former faculty member of the Department of Library and Information Studies at East Carolina University in Greenville, North Carolina.*

Reprinted by Permission of the American Library Association

## Dealing with Concerns about Library Resources

As with any public service, libraries receive complaints and expressions of concern. One of the librarian's responsibilities is to handle these complaints in a respectful and fair manner. The complaints that librarians often worry about most are those dealing with library resources or free access policies. The key to successfully handling these complaints is to be sure the library staff and the governing authorities are all knowledgeable about the complaint procedures and their implementation. As normal operating procedure each library should:

*Maintain a materials selection policy.* It should be in written form and approved by the appropriate governing authority. It should apply to all library materials equally.

*Maintain a library service policy.* This should cover registration policies, programming and services in the library that involve access issues.

*Maintain a clearly defined method for handling complaints.* The complaint must be filed in writing and the complainant must be properly identified before action is taken. A decision should be deferred until fully considered by appropriate administrative authority. The process should be followed, whether the complaint originates internally or externally.

*Maintain in-service training.* Conduct periodic in-service training to acquaint staff, administration, and the governing authority with the materials selection policy and library service policy and procedures for handling complaints.

*Maintain lines of communication with civic, religious, educational, and political bodies of the community.* Library board and staff participation in local civic organizations and presentations to these organizations should emphasize the library's selection process and intellectual freedom principles.

*Maintain a vigorous public information program on behalf of intellectual freedom.* Newspapers, radio, and television should be informed of policies governing resource selection and use, and of any special activities pertaining to intellectual freedom.

*Maintain familiarity with any local municipal and state legislation pertaining to intellectual freedom and First Amendment rights.* Following these practices will not preclude receiving complaints from pressure groups or individuals but should provide a base from which to operate when these concerns are expressed. When a complaint is made, follow one or more of the steps listed below:

Listen calmly and courteously to the complaint. Remember the person has a right to express a concern. Use of good communication skills helps many people understand the need for diversity in library collections and the use of library resources. In the event the person is not satisfied, advise the complainant of the library policy and procedures for handling library resource statements of concern. If a person does fill out a form about their concern, make sure a prompt written reply related to the concern is sent.

It is essential to notify the administration and/or the governing authority (library board, etc.) of the complaint and assure them that the library's procedures are being followed. Present full, written information giving the nature of the complaint and identifying the source.

When appropriate, seek the support of the local media. Freedom to read and freedom of the press go hand in hand.

When appropriate, inform local civic organizations of the facts and enlist their support. Meet negative pressure with positive pressure.

Assert the principles of the [\*Library Bill of Rights\*](#) as a professional responsibility. Laws governing obscenity, subversive material and other questionable matter are subject to interpretation by courts. Library resources found to meet the standards set in the materials selection or collection development policy should not be removed or restricted from public access until after an adversary hearing resulting in a final judicial determination.

Contact the [ALA Office for Intellectual Freedom](#) and your [state intellectual freedom committee](#) to inform them of the complaint and to enlist their support and the assistance of other agencies.

The principles and procedures discussed above apply to all kinds of resource related complaints or attempts to censor and are supported by groups such as the National Education Association, the American Civil Liberties Union and the National Council of Teachers of English, as well as the American Library Association. While the practices provide positive means for preparing for and meeting pressure group complaints, they serve the more general purpose of supporting the *Library Bill of Rights*, particularly Article 3, which states that “Libraries should challenge censorship in the fulfillment of the responsibility to provide information and enlightenment.”

Office for Intellectual Freedom  
American Library Association  
50 E. Huron Street  
Chicago, IL 60611  
312/280-4223  
[oif@ala.org](mailto:oif@ala.org)

Revised by the Intellectual Freedom Committee, January 12, 1983; November 17, 2000

(ISBN 8389-6487-7)

Reprinted by Permission of the American Library Association

## Items to be Included in a Materials Selection Policy

- Mission Statement
- Goals of the Library
- Aims of the Materials Selection Policy
- Clientele to be Served
- Library's service area (include the community's projected growth)
- Types of people in the community
- Educational background of the community
- Educational background of the community
- Special Factors which might influence the selection of materials
- Intellectual Freedom Statements
- Library Bill of Rights
- Freedom to Read Statement
- Free Access to Libraries for Minors
- Library's Role in Cooperation
- Organization of the Selection Process (Who is legally responsible and who actually selects the materials for the library)
- Formats (types of material to be included in the collection)
- Print: books, newspapers, microfilm, vertical file, periodicals, paperbacks, government documents
- Non-Print: filmstrips, records/cassettes, art prints, educational games and toys, video cassettes, dvds, cds
- Electronic: CD-ROM, Online Services
- Criteria for Selection
- Special Collections (ex. Local History, Kentucky, Genealogy)
- Limits of the Collection (areas in which the library will not be purchasing)
- Gift and Memorial Policy
- Weeding or Deselection Policy
- Replacement and Duplicates Policy
- Reevaluation of the Materials Selection Policy (how often and by whom?)
- Reconsideration of Materials Form

# KLA Intellectual Freedom Handbook, 2007

## Request for Assistance Form

(All information given in this request will be treated as confidential.)

An attempt has been made to restrict freedom of access to information in the

\_\_\_\_\_  
Library/School/Other

\_\_\_\_\_  
Address

\_\_\_\_\_  
Date of incident

DESCRIPTION OF INCIDENT:

What action, if any has been taken? \_\_\_\_\_

\_\_\_\_\_  
Has legal advice been sought? \_\_\_\_\_

\_\_\_\_\_  
Name, address, phone number of legal advisor \_\_\_\_\_

\_\_\_\_\_  
Has the incident been reported by local news media? \_\_\_\_\_

(Attach relevant materials.)

What kind of assistance, if any, is sought from the Intellectual Freedom Subcommittee?  
\_\_\_\_\_

Upon completion, send to:  
Kentucky Library Association  
Intellectual Freedom Subcommittee  
1501 Twilight Trail  
Frankfort, Kentucky 40601

\_\_\_\_\_  
You are: Librarian/Teacher/Other

\_\_\_\_\_  
Title

\_\_\_\_\_  
Library

\_\_\_\_\_  
Date



## Section 3: Internet

## Resolution on the Use of Filtering Software in Libraries

WHEREAS, On June 26, 1997, the United States Supreme Court issued a [sweeping re-affirmation of core First Amendment principles](#) and held that communications over the Internet deserve the highest level of Constitutional protection; and

WHEREAS, The Court's most fundamental holding is that communications on the Internet deserve the same level of Constitutional protection as books, magazines, newspapers, and speakers on a street corner soapbox. The Court found that the Internet "constitutes a vast platform from which to address and hear from a world-wide audience of millions of readers, viewers, researchers, and buyers," and that "any person with a phone line can become a town crier with a voice that resonates farther than it could from any soapbox"; and

WHEREAS, For libraries, the most critical holding of the Supreme Court is that libraries that make content available on the Internet can continue to do so with the same Constitutional protections that apply to the books on libraries' shelves; and

WHEREAS, The Court's conclusion that "the vast democratic fora of the Internet" merit full constitutional protection will also serve to protect libraries that provide their patrons with access to the Internet; and

WHEREAS, The Court recognized the importance of enabling individuals to receive speech from the entire world and to speak to the entire world. Libraries provide those opportunities to many who would not otherwise have them; and

WHEREAS, The Supreme Court's decision will protect that access; and

WHEREAS, The use in libraries of software filters which block Constitutionally protected speech is inconsistent with the United States Constitution and federal law and may lead to legal exposure for the library and its governing authorities; now, therefore, be it

RESOLVED, That the American Library Association affirms that the use of filtering software by libraries to block access to constitutionally protected speech violates the *Library Bill of Rights*.

---

Adopted by the ALA Council, July 2 1997

Reprinted by permission of the American Library Association

## Statement on Library Use of Filtering Software

American Library Association  
Intellectual Freedom Committee

On June 26, 1997, the United States Supreme Court in [Reno, Attorney General of the United States, et al. v. American Civil Liberties Union, et al.](#), issued a sweeping reaffirmation of core [First Amendment](#) principles and held that communications over the Internet deserve the highest level of Constitutional protection.

The Court's most fundamental holding was that communications on the Internet deserve the same level of Constitutional protection as books, magazines, newspapers, and speakers on a street corner soapbox. The Court found that the Internet "constitutes a vast platform from which to address and hear from a world-wide audience of millions of readers, viewers, researchers, and buyers," and that "any person with a phone line can become a town crier with a voice that resonates farther than it could from any soapbox."

For libraries, the most critical holding of the Supreme Court is that libraries that make content available on the Internet can continue to do so with the same Constitutional protections that apply to the books on libraries' shelves. The Court's conclusion that "the vast democratic fora of the Internet" merit full constitutional protection serves to protect libraries that provide their patrons with access to the Internet. The Court recognized the importance of enabling individuals to receive speech from the entire world and to speak to the entire world. Libraries provide those opportunities to many who would not otherwise have them. The Supreme Court's decision protects that access.

The use in libraries of software filters to block constitutionally protected speech is inconsistent with the United States Constitution and federal law and may lead to legal exposure for the library and its governing authorities. The American Library Association affirms that the use of filtering software by libraries to block access to constitutionally protected speech violates the [Library Bill of Rights](#).

### WHAT IS BLOCKING/FILTERING SOFTWARE?

Blocking/filtering software is a mechanism used to:

restrict access to Internet content, based on an internal database of the product, or;

restrict access to Internet content through a database maintained external to the product itself, or;

restrict access to Internet content to certain ratings assigned to those sites by a third party, or;

restrict access to Internet content by scanning text, based on a keyword or phrase or text string,  
or;

restrict access to Internet content by scanning pixels, based on color or tone, or;

restrict access to Internet content based on the source of the information.

### PROBLEMS WITH THE USE OF BLOCKING/FILTERING SOFTWARE IN LIBRARIES

Publicly supported libraries are governmental institutions subject to the First Amendment, which forbids them from restricting information based on viewpoint or content discrimination.

Libraries are places of inclusion rather than exclusion. Current blocking/filtering software not only prevents access to what some may consider “objectionable” material, but also blocks information protected by the First Amendment. The result is that legal and useful material will inevitably be blocked.

Filters can impose the producer’s viewpoint on the community.

Producers do not generally reveal what is being blocked, or provide methods for users to reach sites that were inadvertently blocked.

Criteria used to block content are vaguely defined and subjectively applied.

The vast majority of Internet sites are informative and useful. Blocking/filtering software often blocks access to materials it is not designed to block.

Most blocking/filtering software was designed for the home market and was intended to respond to the preferences of parents making decisions for their children. As these products have moved into the library market, they have created a dissonance with the basic mission of libraries. Libraries are responsible for serving a broad and diverse community with different preferences and views. Blocking Internet sites is antithetical to library missions because it requires the library to limit information access.

Filtering all Internet access is a one-size-fits-all “solution,” which cannot adapt to the varying ages and maturity levels of individual users.

A role of librarians is to advise and assist users in selecting information resources. Parents and only parents have the right and responsibility to restrict their own children’s access—and only their own children’s access—to library resources, including the Internet. Librarians do not serve *in loco parentis*.

Library use of blocking/filtering software creates an implied contract with parents that their children will not be able to access material on the Internet that they do not wish their children to read or view. Libraries will be unable to fulfill this implied contract, due to the technological limitations of the software.

Laws prohibiting the production or distribution of child pornography and obscenity apply to the Internet. These laws provide protection for libraries and their users.

## WHAT CAN YOUR LIBRARY DO TO PROMOTE ACCESS TO THE INTERNET?

Educate yourself, your staff, library board, governing bodies, community leaders, parents, elected officials, etc., about the Internet and how best to take advantage of the wealth of information available. Information on libraries and the Internet is available on the OIF Web site at [Filters and Filtering](#).

Uphold the First Amendment by establishing and implementing written guidelines and policies on Internet use in your library in keeping with your library’s overall policies on access to library

materials. Information on Internet Use Policies is available on the OIF Web site at [Checklist for Creating an Internet Use Policy](#). (See also “Internet Filtering Statements of State Library Associations” at [Resolutions of State Library Associations Supporting Legal Action by the American Library Association to Challenge CIPA in Federal Courts](#) and *Access to Electronic Information, Services, and Networks: An Interpretation of the Library Bill of Rights* at [Access to Electronic Information, Services, and Networks](#).)

Promote Internet use by facilitating user access to Web sites that satisfy user interest and needs.

Create and promote library Web pages designed both for general use and for use by children. These pages should point to sites that have been reviewed by library staff.

Consider using privacy screens or arranging terminals away from public view to protect a user’s confidentiality.

Provide Internet information and training for parents and children on internet use which will include; the wide variety of useful resources on the internet, child safety on the Internet, limitations of filtering software and library rules regarding time, place and manner restriction.

Establish and implement user behavior policies.

ALA Intellectual Freedom Committee  
July 1, 1997; Rev. November 17, 2000

Reprinted by permission of the American Library Association

## Statement on Library Filters and Internet Use

Passed by the Kentucky Library Association on March 24, 2001

The Kentucky Library Association supports the principle of open, free, and unrestricted access to information and ideas, regardless of the format in which they appear. The Association endorses the American Library Association's Library Bill of Rights and its Resolution on the Use of Filtering Software in Libraries. The Association supports the rights of all individuals to determine which resources are appropriate and necessary for themselves as well as the responsibility of all parents to guide their own children's use of the library and its resources and services.

The Association recognizes the issues and concerns generated from providing full access to the Internet. Although use of Internet filters to restrict access to certain kinds of information on the Internet has been suggested as a solution to these problems such use raises ethical and legal concerns for libraries. On June 26, 1997, the U.S. Supreme Court issued a sweeping affirmation of First Amendment principles and held that information communicated over the Internet merits the highest level of Constitutional protection. Due to the imperfections of filters, valuable information is blocked, thus preventing individuals from retrieving the information and constitutionally protected speech they seek as well as preventing the library from fulfilling its basic mission.

The Association strongly recommends that decisions regarding the use of Internet filters remain with local boards and that each library develop an Internet Use Policy containing guidelines for use of the Internet by all library users, both adults and children. Each local library should decide what educational, informational, and research Internet services they will provide based on their mission.

## Questions and Answers: Access to Electronic Information, Services, and Networks: An Interpretation of the Library Bill of Rights

Following the initial adoption by the ALA Council of [\*Access to Electronic Information, Services and Networks: An Interpretation of the Library Bill of Rights\*](#) in January, 1996, the ALA Intellectual Freedom Committee produced a sample set of questions and answers to clarify the this *Interpretation's* implications and applications.

As librarians, we have a professional obligation to strive for free access to all information resources. However, many of the questions concerning electronic information will not have a single answer. ALA recognizes that each library needs to develop policies in keeping with its mission, objectives, and users. Librarians also need to be cognizant of local legislation and judicial decisions that may affect implementation of their policies.

### INTRODUCTION

*What are the factors that uniquely position American librarianship to provide access to electronic information?*

Electronic media offer an unprecedented forum for the sharing of information and ideas envisioned by the Founding Fathers in the U.S. Constitution. Their vision cannot be realized unless libraries provide free access to electronic information, services, and networks.

Thomas Jefferson, James Madison, and others laid the basis for a government that made education, access to information, and toleration for dissent cornerstones of a great democratic experiment. With geographic expansion and the rise of a mass press, American government facilitated these constitutional principles through the creation of such innovative institutions as the public school, land grant colleges, and the library. By the close of the 19th century, professionally trained librarians developed specialized techniques in support of their democratic mission. In the 1930's, the [\*Library Bill of Rights\*](#) acknowledged librarians' professional and ethical responsibilities to the Constitution's promise of access to information in all formats to all people.

*What is the library's role in facilitating freedom of expression in an electronic arena?*

Libraries are an essential part of the national information infrastructure, providing people with access and participation in the electronic arena. They are fundamental to the informed debate demanded by the Constitution and for the provision of access to electronic information resources to those who might otherwise be excluded.

*Why should libraries extend access to electronic information resources to minors?*

Those libraries with a mission that includes service to minors should make available to them a full range of information necessary to become thinking adults and the informed electorate envisioned in the Constitution. The opportunity to participate responsibly in the electronic arena

is also vital for nurturing the information literacy skills demanded by the Information Age. Librarians need to remember that minors also possess First Amendment rights. Only parents and legal guardians have the right and responsibility to restrict their children's—and only their own children's—access to any electronic resource.

*Do the policies of ALA regarding intellectual freedom and ethics apply to electronic information, services and networks in libraries?*

Yes, because information is information regardless of format. Library resources in electronic form are increasingly recognized as vital to the provision of information that is the core of the library's role in society.

*Does the ALA require that libraries adopt the Library Bill of Rights or the ALA Code of Ethics?*

No. ALA has no authority to govern or regulate libraries. ALA's policies are voluntary and serve only as guidelines for local policy development.

*Does ALA censure libraries or librarians who do not adhere to or adopt the Library Bill of Rights or the ALA Code of Ethics?*

No, ALA does not.

*Do libraries need to develop policies about access to electronic information, services, and networks?*

In view of the complex issues associated with access to electronic information, the ALA strongly recommends that libraries formally adopt and periodically reexamine policies that develop from the missions and goals specific to their institutions.

## RIGHTS OF USERS

*How can libraries impact vendors/network providers/licensors when they attempt to limit or edit access to electronic information?*

Librarians have a mandate to be strong advocates of open access to information. Therefore, when purchasing electronic information resources, librarians should conduct contract negotiations with vendors/network providers/licensors to ensure the least restrictive access in current and future products.

Libraries, themselves, along with any parent institution and consortia partners, should also communicate their intellectual freedom concerns and public responsibilities in the production of their own electronic information resources.

*How can libraries help to ensure library user confidentiality in regard to electronic information access?*

Librarians must be aware of patron confidentiality laws on library records for their particular state and community. In accordance with such laws and professional and ethical responsibilities, librarians should ensure and routinely review policies and procedures for maintaining

confidentiality of personally identifiable use of library materials, facilities, or services. These especially include electronic circulation and online use records.

Electronic records on individual use patterns should also be strictly safeguarded. Software and protocols should be designed for the automatic and timely deletion of personal identifiers from the tracking elements within electronic databases. System access to computer terminals or other stations also should be designed to eliminate indicators of the research strategy or use patterns of any identifiable patron. For example, the efforts of the last user of a terminal or program should not remain on the monitor or be easily retrievable from a buffer or cache by subsequent users. Methods used by libraries or institutions to monitor reserving computer time and the amount of time spent in electronic information resources also must protect the confidentiality rights of patrons.

Libraries and their institutions should provide physical environments that facilitate user privacy for accessing electronic information. For instance, libraries should consider placing terminals, printers, and access stations so that user privacy is enhanced. Computer accessories, such as privacy screens, offer additional protection. Where resources are limited, libraries should consider time, place, and manner restrictions.

Finally, libraries must be sensitive to the special needs for confidential access to electronic information sources of physically challenged patrons.

*Our library is just one of many autonomous institutions in a consortium. How can we be sure that our cooperating partners honor the confidentiality of our library users in a shared network environment?*

This is a contractual and legal matter. The importance of confidentiality of personally identifiable information about library users transcends individual institutional and type of library boundaries. Libraries should establish and regularly review interlibrary and interagency cooperative agreements to ensure clear confidentiality policies and procedures, which obligate all members of a cooperative, or all departments and branches within a parent institution.

*Do libraries need a use policy for electronic information access? If so, what elements should be considered for inclusion?*

Access questions are rooted in Constitutional mandates and a *Library Bill of Rights* that reach across all media. These should be professionally interpreted through general service policies that also relate to the specific mission and objectives of the institution. Such general policies can benefit from the legacy and precedents within the ALA's *Intellectual Freedom Manual*, including new interpretations for electronic resources.

Reasonable restrictions placed on the time, place, and manner of library access should be used only when necessary to achieve substantial library managerial objectives and only in the least restrictive manner possible. Libraries should focus on developing policies that ensure broad access to information resources of all kinds. Policies should not limit the kinds of information accessed by which patrons and in what manner.

*Why shouldn't parental permission be required for minor access to electronic information?*

As with any other information format, parents are responsible for determining what they wish their own children to access electronically. Libraries may need to help parents understand their options during the evolving information revolution, but should not be in the policing position of enforcing parental restrictions within the library. In addition, libraries cannot use children as an excuse to violate their Constitutional duty to help provide for an educated adult electorate.

The *Library Bill of Rights*—its various *Interpretations* (especially *Free Access to Libraries for Minors*; *Access for Children and Young People to Videotapes and Other Nonprint Formats*), and ALA’s *Guidelines for the Development and Implementation of Policies, Regulations and Procedures Affecting Access to Library Materials, Services and Facilities*—also endorse the rights of youth to library resources and information as part of their inalienable rights and the passage to informed adulthood. Electronic information access is no different in these regards.

*Does our library have to make provisions for patrons with disabilities to access electronic information?*

Yes. The Americans With Disabilities Act and other federal and state laws forbid providers of public services, whether publicly or privately governed, from discriminating against individuals with disabilities. All library information services, including access to electronic information, should be accessible to patrons regardless of disability.

Many methods are available and under development to make electronic information universally accessible, including adaptive devices, software, and human assistance. Libraries must consider such tools in trying to meet the needs of persons with disabilities in the design or provision of electronic information services.

## EQUITY OF ACCESS

*My library recognizes different classes of users. Is this a problem?*

The mission and objectives of some libraries recognizes distinctions between classes of users. For example, academic libraries may have different categories of users (e.g., faculty, students, others). Public libraries may distinguish between residents and non-residents. School library media centers embrace curricular support as their primary mission; some have further expanded access to their collections. Special libraries vary their access policies, depending on their definition of primary clientele. Establishing different levels of users should not automatically assume the need for different levels of access.

*Does the statement that “electronic information, services, and networks provided directly or indirectly by the library should be equally, readily, and equitably available to all library users” mean that exactly the same service must be available to anyone who wants to use the library?*

No. It means that access to services should not be denied on the basis of an arbitrary classification; for example, age or physical ability to use the equipment. This phrase, from *Economic Barriers to Information Access: An Interpretation of the Library Bill of Rights*, clarifies that simply making printed information sources available to those unable to pay while charging for electronic information sources abridges the principles of equality and equity.

*Which is a higher priority: To offer more information or not to charge fees? Does this mean my library cannot charge fees?*

The higher priority is free services. Charging fees creates barriers to access. That is why ALA has urged librarians, in *Economic Barriers to Information Access*, to “resist the temptation to impose user fees to alleviate financial pressures, at long-term cost to institutional integrity and public confidence in libraries.”

*Does “provision of information services” include printouts?*

Whenever possible, all services should be without fees. In any case, fees should not create a barrier to access. Translated to the electronic environment, this means that some libraries will provide the text on the screen at no charge, but might charge for printouts.

*If my library has no “major support from public funds,” can we then charge fees?*

Yes, but ALA advocates achieving equitable access and avoiding and eliminating barriers to information and ideas whenever possible.

*What do you do if one person monopolizes the equipment?*

Libraries should address this issue in their use policies. Time, place, and manner restrictions should be applied equitably to all users.

## INFORMATION RESOURCES AND ACCESS

*How does providing connections to “global information, services, and networks” differ from selecting and purchasing material for an individual library?*

Selection begins with the institution’s mission and objectives. The librarian performs an initial selection from available resources, and then the user makes a choice from that collection. Many electronic resources, such as CDs, are acquired for the library’s collection in this traditional manner. Collections consist of fixed discrete items.

When libraries provide Internet access, they provide a means for people to use the wealth of information stored on computers throughout the world, whose ever-changing contents are created, maintained and made available beyond the library. The library also provides a means for the individual user to choose for him- or herself the resources accessed and to interact electronically with other computer users throughout the world.

*How can libraries use their selection expertise to help patrons use the Internet?*

Libraries should play a proactive role in guiding users, especially parents and their children, to the most effective locations and answers. Library Web sites are one starting place to the vast resources of the Internet. All libraries are encouraged to develop Web sites, including links, to Internet resources to meet the information needs of their users. These links should be made within the existing mission, collection development policy, and selection criteria of the library.

*Should the library deny access to Constitutionally protected speech on the Internet in order to protect its users or reflect community values?*

No. The library should not deny access to constitutionally protected speech. People have a right to receive constitutionally protected speech, and any restriction of those rights imposed by a library violates the U.S. Constitution. Only a court of law can judge speech to be outside of the protection of the First Amendment.

*Does using software that filters or blocks access to electronic information resources on the Internet violate Access to Electronic Information, Services, and Networks: An Interpretation of the Library Bill of Rights?*

This interpretation states that libraries and librarians should not deny access to constitutionally protected information. The use of filters presents a number of complex legal, technical and ethical issues. For a discussion of these problems, librarians need to review information located on the Office for Intellectual Freedom Web page, "Filters and Filtering," at <http://www.ala.org/ala/oif/ifissues/filtersfiltering.htm>.

*Why do libraries have an obligation to provide government information in electronic format?*

The role of libraries is to provide ideas and information across the spectrum of social and political thought and to make these ideas and this information available to anyone who needs or wants it. In a democracy, libraries have a particular obligation to provide library users with information necessary for participation in self-governance. Because access to government information is rapidly shifting to electronic format only, libraries should plan to continue to provide access to information in this format, as well.

*What is the library's role in the preservation of information in electronic formats?*

The online electronic medium is ephemeral and information may disappear without efforts to save it. Libraries may need to preserve and archive electronic information critical to their mission.

*Does "must support access to information on all subjects" mean a library must provide material on all subjects for all users, even if those users are not part of the library's community of users or the material is not appropriate for the library?*

The institution's mission and objectives will drive these decisions.

*The Interpretation states that libraries should not deny access to resources, solely because they are perceived to lack value. Does this mean the library must buy or obtain every electronic resource available?*

No. The institution's mission and objectives will drive these decisions.

*How can the library avoid becoming a game room and still provide access to this material?*

Libraries need to develop policies that address time, place, or manner restrictions when determining the use of electronic equipment and resources. Such restrictions should not be based on content.

*Do copyright laws apply to electronic information?*

Yes. Librarians have professional and ethical responsibilities to keep abreast of copyright and fair use rights. This responsibility applies to the library's own online publications, contractual obligations with authors and publishers, and informing library users of copyright laws that apply to their use of electronic information.

American Library Association  
June 5, 1997; rev. November 17, 2000

Reprinted by permission of the American Library Association



# Section 4: Confidentiality

## Policy on Confidentiality of Library Records

The Council of the American Library Association strongly recommends that the responsible officers of each library, cooperative system, and consortium in the United States:

Formally adopt a policy that specifically recognizes its circulation records and other records identifying the names of library users to be confidential. (See also [ALA Code of Ethics](#), Article III, "We protect each library user's right to privacy and confidentiality with respect to information sought or received, and resources consulted, borrowed, acquired or transmitted" and [Privacy: An Interpretation of the Library Bill of Rights](#).)

Advise all librarians and library employees that such records shall not be made available to any agency of state, federal, or local government except pursuant to such process, order or subpoena as may be authorized under the authority of, and pursuant to, federal, state, or local law relating to civil, criminal, or administrative discovery procedures or legislative investigative power.

Resist the issuance of enforcement of any such process, order, or subpoena until such time as a proper showing of good cause has been made in a court of competent jurisdiction.<sup>1</sup>

<sup>1</sup>Note: Point 3, above, means that upon receipt of such process, order, or subpoena, the library's officers will consult with their legal counsel to determine if such process, order, or subpoena is in proper form and if there is a showing of good cause for its issuance; if the process, order, or subpoena is not in proper form or if good cause has not been shown, they will insist that such defects be cured.

Adopted January 20, 1971, by the ALA Council; amended July 4, 1975; July 2, 1986.

[ISBN 8389-6082-0]

Reprinted by permission of the American Library Association

## Policy Concerning Confidentiality of Personally Identifiable Information about Library Users

"In a library (physical or virtual), the right to privacy is the right to open inquiry without having the subject of one's interest examined or scrutinized by others. Confidentiality exists when a library is in possession of personally identifiable information about users and keeps that information private on their behalf" ([Privacy: An Interpretation of the Library Bill of Rights](#)).

The ethical responsibilities of librarians, as well as statutes in most states and the District of Columbia, protect the privacy of library users. Confidentiality extends to "information sought or received and resources consulted, borrowed, acquired or transmitted" ([ALA Code of Ethics](#)), and includes, but is not limited to, database search records, reference interviews, circulation records, interlibrary loan records and other personally identifiable uses of library materials, facilities, or services.

The First Amendment's guarantee of freedom of speech and of the press requires that the corresponding rights to hear what is spoken and read what is written be preserved, free from fear of government intrusion, intimidation, or reprisal. The American Library Association reaffirms its opposition to "any use of governmental prerogatives that lead to the intimidation of individuals or groups and discourages them from exercising the right of free expression as guaranteed by the First Amendment to the U.S. Constitution" and "encourages resistance to such abuse of governmental power . . ." ([ALA Policy 53.4](#)). In seeking access or in the pursuit of information, confidentiality is the primary means of providing the privacy that will free the individual from fear of intimidation or retaliation.

The American Library Association regularly receives reports of visits by agents of federal, state, and local law enforcement agencies to libraries, asking for personally identifiable information about library users. These visits, whether under the rubric of simply informing libraries of agency concerns or for some other reason, reflect an insensitivity to the legal and ethical bases for confidentiality, and the role it plays in the preservation of [First Amendment](#) rights, rights also extended to foreign nationals while in the United States. The government's interest in library use reflects a dangerous and fallacious equation of what a person reads with what that person believes or how that person is likely to behave. Such a presumption can and does threaten the freedom of access to information. It also is a threat to a crucial aspect of First Amendment rights: that freedom of speech and of the press include the freedom to hold, disseminate and receive unpopular, minority, extreme, or even dangerous ideas.

The American Library Association recognizes that law enforcement agencies and officers may occasionally believe that library records contain information that would be helpful to the investigation of criminal activity. The American judicial system provides the mechanism for seeking release of such confidential records: a court order, following a showing of *good cause* based on *specific facts*, by a court of competent jurisdiction.<sup>1</sup>

The American Library Association also recognizes that, under limited circumstances, access to certain information might be restricted due to a legitimate national security concern. However, there has been no showing of a plausible probability that national security will be compromised by any use made of unclassified information available in libraries. Access to this unclassified

information should be handled no differently than access to any other information. Therefore, libraries and librarians have a legal and ethical responsibility to protect the confidentiality of all library users, including foreign nationals.

Libraries are one of the great bulwarks of democracy. They are living embodiments of the First Amendment because their collections include voices of dissent as well as assent. Libraries are impartial resources providing information on all points of view, available to all persons regardless of origin, age, background, or views. The role of libraries as such a resource must not be compromised by an erosion of the privacy rights of library users.

1 See [\*Confidentiality and Coping With Law Enforcement Inquiries: Guidelines for the Library and its Staff\*](http://www.ala.org/oif/ifissues), ALA Office for Intellectual Freedom, available on the Web at <http://www.ala.org/oif/ifissues>.

Adopted July 2, 1991, by the ALA Council; amended June 30, 2004.

[ISBN 8389-7554-2]

Reprinted by permission of the American Library Association

## Developing a Confidentiality Policy

(pages 347–355, *Intellectual Freedom Manual*, sixth edition, Office for Intellectual Freedom, American Library Association, Chicago, IL, 2001)

Recent years have seen an increase in the number and frequency of challenges to the confidentiality of library records across the United States, and a new dimension has been added to confidentiality concerns. Throughout the 1980s, the Office for Intellectual Freedom (OIF) received queries from individual librarians who had been pressured by the FBI or local law enforcement agencies for information about library users, or who were afraid of being held liable for a patron's acts after providing information on such topics as bomb construction, weapons, or satanism. Some of these librarians were tempted to maintain special files on patrons who seemed "suspicious" or who made "unusual" requests. These queries revealed a lack of confidence in confidentiality procedures or a misunderstanding of the important links among confidentiality, intellectual freedom, and librarians' professional and legal obligations to uphold the privacy rights of patrons.

### Why Is Confidentiality Crucial to Freedom of Inquiry?

Inquiries about patron reading habits raise serious questions for librarians and patrons. For example, are you what you read? Would you want others to base decisions affecting your life on their opinion of the books you read, the music you listen to, the information you access over the Internet or other electronic networks or database services, or the films you view? How would library use change if patrons thought their reading records and other information about their lives would be open for scrutiny? How widely would people read knowing their choices might prejudice others against them? If libraries are to survive as centers for the free and uninhibited access to information so necessary to a democratic society, librarians must vigilantly guard their patrons' privacy and freedom of inquiry.

To support librarians in their role as defenders of the right to read, in 1971 the IFC proposed, and the ALA Council adopted, the "[Policy on Confidentiality of Library Records](#)" (revised in 1975). This important addition to the IFC's expanding inventory of tools for defending intellectual freedom was initiated in response to U.S. Treasury Department efforts to identify potentially "subversive" individuals based on their choice of reading material. Looking for the names of those who had borrowed or read books about the construction of explosives, treasury agents conducted inquiries in libraries in Ohio, California, Georgia, and Wisconsin. Librarians sounded the alarm over these apparent "fishing expeditions," and the department ceased its inquiries—but not before some librarians had handed over their records.

The IFC, which is firmly committed to the freedom to read as a necessary corollary to freedom of expression, encouraged librarians to resist such open-ended government inquiries. One cannot exercise the right to read if the possible consequences include damage to one's reputation, ostracism from the community or workplace, or criminal penalties. Choice requires both a varied selection and the assurance that one's choice is not monitored. In the case of criminal investigations or other government inquiries, it is especially critical that a librarian preserve the patron's confidentiality because the consequences of releasing information about the individual(s) under investigation may be dire and the potential for abuse of information about a person's reading habits great.

A case in Decatur, Texas, dramatically illustrates this danger. Early in 1990, the Wise County District Attorney's office, investigating a child-abandonment case, subpoenaed the records of the Decatur Public Library, requesting the names, addresses, and telephone numbers of all individuals who had checked out books on childbirth within the previous nine months, the titles they borrowed, and the dates the materials were checked out and returned. The police had no evidence indicating that the person who abandoned the child might have borrowed library books or otherwise used the library. Lacking any other leads, police were simply conducting a "fishing expedition."

The director of the Decatur Public Library refused to release the records. Instead, she chose to respond, with the help of the city attorney, by filing a motion to quash the subpoena on behalf of the library's patrons. On May 9, 1990, Texas District Court Judge John R. Lindsey ruled in favor of the library and quashed the subpoena. The library director in this case was successful in defending her patrons, but imagine the consequences if she had failed: all patrons who had borrowed books on childbirth might have been subjected to police interrogation based solely upon their choice of reading materials. Thanks to this librarian's courageous implementation of the library confidentiality policy, patrons were not subject to such unjust and humiliating proceedings.

Threats to confidentiality arise within the library from loosely managed information or circulation systems, library staff or board members who are unaware of their responsibilities under existing confidentiality policy or [state law](#), or from lack of any policy at all on the issue. Librarians or their staff may be asked for confidential information by patrons, journalists, students, or professors who wish to check on the reading habits of their students, or parents of young children who must pay overdue fines or who wish to monitor their children's reading preferences. As more libraries become automated and computerize their patron information files, and as more libraries add access to the Internet, other electronic networks, database services, and e-mail services to the array of resources they offer their patrons, threats to privacy may arise from abusers of the system. Known as "hackers," these pranksters and vandals enter the system without authorization and attempt to spy on other users or sabotage the system as a whole, using software of their own design or by exploiting loopholes in the system, sometimes causing major system breakdowns.

Finally, many of the most difficult and complicated challenges come from local or federal law enforcement officials investigating criminal activities, or from feuding litigants in civil cases. Although these situations are relatively infrequent, they can be intimidating if a librarian, staff, and governing board are inadequately prepared to respond.

In 1989, responding to an increase in external threats and the clear need for further education on intellectual freedom and confidentiality for all librarians, the ALA Intellectual Freedom Committee (IFC) initiated *Confidentiality in Libraries: An Intellectual Freedom Modular Education Program*. Concurrently, the ALA Council requested a new and more specific policy to address the problem of confidentiality in the context of law enforcement inquiries, a trend sparked by the FBI Library Awareness Program and emulated by law enforcement agencies at all levels across the country—from county sheriffs to urban detectives. The IFC developed a new policy, and Council adopted it at the June 1991 Annual Meeting (see "[Policy concerning Confidentiality of Personally Identifiable Information about Library Users](#)," part II, section 3).

The remainder of the chapter discusses confidentiality and the law, [state law protection of library records](#), what librarians can do, and writing, adopting, and implementing a confidentiality policy.

To assist librarians in preserving privacy and confidentiality for library users, particularly in this post-September 11 period, the [ALA Intellectual Freedom Committee has written an Interpretation of the Library Bill of Rights on privacy](#), which was adopted by the ALA Council on June 19, 2002.

See also [Questions and Answers on Privacy and Confidentiality](#), which answers questions raised in comments to date on [Privacy: An Interpretation of the Library Bill of Rights](#). This Q&A is a work-in-progress; these questions and answers will be further developed and expanded as more comments are received. Please check back frequently.

Reprinted by permission of the American Library Association

## Suggested Procedures for Implementing "Policy on Confidentiality of Library Records"

When drafting local policies, libraries should consult with their legal counsel to ensure these policies are based upon and consistent with applicable federal, state, and local law concerning the confidentiality of library records, the disclosure of public records, and the protection of individual privacy. (See [Interpretations to the Library Bill of Rights](#), including [Access to Electronic Information, Services, and Networks](#) and [Privacy](#).)

Suggested procedures include the following<sup>1</sup>:

The library staff member receiving the request to examine or obtain information relating to circulation or other records identifying the names of library users must immediately refer the person making the request to the responsible officer of the institution, who shall explain the confidentiality policy.

The director, upon receipt of such process, order, or subpoena, shall consult with the appropriate legal officer assigned to the institution to determine if such process, order, or subpoena is in good form and if there is a showing of good cause for its issuance.

If the process, order, or subpoena is not in proper form or if good cause has not been shown, the library should insist that such defects be cured before any records are released.

The legal process requiring the production of circulation or other library records is ordinarily in the form of a subpoena *duces tecum* (bring your records) requiring the responsible library officer to attend court or to provide testimony at his or her deposition. It also may require him or her to bring along certain designated circulation or other specified records.

Staff should be trained and required to report any threats or unauthorized demands (e.g., those not supported by a process, order, or subpoena) concerning circulation and other records to the appropriate officer of the institution.

Any problems relating to the privacy of circulation and other records identifying the names of library users that are not provided for above shall be referred to the responsible officer.

<sup>1</sup>See also [Confidentiality and Coping with Law Enforcement Inquiries: Guidelines for the Library and its Staff](#)

---

Adopted by the ALA Intellectual Freedom Committee  
January 9, 1983; revised January 11, 1988; revised March 18, 2005

Reprinted by permission of the American Library Association

OAG 81-159

The custodian of the registration and circulation records of a public library is not required to make such records available for public inspection under the Open Records Law since subsection (1)(a) of this section prohibits disclosures which would constitute a clearly unwarranted invasion of personal privacy, and an individual's privacy rights as to what he borrows from a public library, such as books, motion pictures, periodicals or any other matter is overwhelmingly and there is no countervailing public interest to be considered: however, since Kentucky has no privacy stature, the exceptions to mandatory disclosure of public records is permissive and no law is violated if they are not observed by the custodian.

OAG 82-149

All libraries may refuse to disclose for public inspection their circulation records. As far as the Open Records Law is concerned, they may also make the records open if they so choose; however, the privacy rights which are inherent in a democratic society should constrain all librarians to keep their circulation lists confidential.

OFFICE OF THE ATTORNEY GENERAL OF THE STATE OF KENTUCKY

OAG 82-149

March 12, 1982

REQUEST BY:

Mr. James A. Nelson  
State Librarian and Commissioner  
Department of Library and Archives  
P.O. Box 537  
Frankfort, Kentucky 40602

OPINION BY:

Steven L. Beshear, Attorney General; By: Carl Miller, Assistant Attorney General

OPINION:

You have requested that we clarify OAG 81-159 in which we said that a public library is not required to make available for public inspection its registration and circulation records. We said: "We think that the individual's privacy right as to what he borrows from a public library (books, motion picture film, periodicals and any other matter) is overwhelming." This conclusion was based on KRS 61.878 (1)(a) which exempts from the mandatory requirement of public disclosure "public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy."

In your recent letter you explain that librarians divide libraries into four basic types: school, public, academic and special. You ask if our opinion applies to a school library, such as a state university, and the state library.

Our opinion applies to any library which is subject to the Open Records Law as defined by KRS 61.870. This [\*2] includes all tax supported libraries and all private libraries which receive as much as 25 percent of their funds from state or local authority. It does not include, of course, a private library receiving less than 25 percent of its funds from state or local authority. Our opinion, in effect, places tax supported libraries in the same position as private libraries which would not be governed by the Open Records Law. In other words, all libraries may refuse to disclose for public inspection their circulation records. As far as the Open Records Law is concerned, they may also make the records open if they so choose; however, we believe that the privacy rights which are inherent in a democratic society should constrain all libraries to keep their circulation lists confidential.

We have heard it suggested that in the case of a state university a professor might have the legitimate right to check the circulation record to see if a student has checked out a particular book and committed plagiarism by submitting verbatim material from the book on an assignment of an original composition. We cannot give an opinion on such a question because it is outside of the scope of the Open Records [\*3] Law.

The main thrust of OAG 81-159 and of this opinion is that no person can demand as a matter of right to inspect the circulation records of any type of library -- school, public, academic or special -- under the Open Records Law.

OFFICE OF THE ATTORNEY GENERAL OF THE STATE OF KENTUCKY

OAG 81-159

April 21, 1981

OPINION BY:

Steven L. Beshear, Attorney General; Carl Miller, Assistant Attorney General

OPINION:

You have requested an opinion of the Attorney General as to whether registration and circulation records of public libraries are mandatorily required to be open to the public under the Open Records Law, KRS 61.870-61.884.

It is our opinion that they are not.

KRS 61.878(1)(a) reads as follows:

"The following public records are excluded from the application of KRS 61.870-61.884 and shall be subject to inspection only upon order of a court of competent jurisdiction:

(a) public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy. . ."

The wording of this statute calls for a weighing of an individual's right of privacy against the public interest in the transaction involved. *Wine Hobbies U.S.A., Inc. v. U.S. Internal Revenue Service*, 502 F.2d 133 (1974).

We think that the individual's privacy rights as to what he borrows from a public library (books, motion picture film, periodicals and any other matter) is overwhelming. In fact we can see no public interest at all to put in the scales opposite the privacy rights of the individual.

We would point out, however, that Kentucky has no privacy statute and that the exceptions to mandatory disclosure of public records are permissive and no law is violated if they are not observed by the custodian.

In summary, it is our opinion that the custodian of the registration and circulation records of a public library is not required to make such records available for public inspection under the Open Records Law.

<http://www.ala.org/alaorg/oif/kentuckyprivacy.rtf>



# Section 5: Government

## Expurgation of Library Materials An Interpretation of the Library Bill of Rights

Expurgating library materials is a violation of the [Library Bill of Rights](#). Expurgation as defined by this interpretation includes any deletion, excision, alteration, editing, or obliteration of any part(s) of books or other library resources by the library, its agent, or its parent institution (if any). By such expurgation, the library is in effect denying access to the complete work and the entire spectrum of ideas that the work intended to express. Such action stands in violation of Articles I, II, and III of the [Library Bill of Rights](#), which state that "Materials should not be excluded because of the origin, background, or views of those contributing to their creation," that "Materials should not be proscribed or removed because of partisan or doctrinal disapproval," and that "Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment."

The act of expurgation has serious implications. It involves a determination that it is necessary to restrict access to the complete work. This is censorship. When a work is expurgated, under the assumption that certain portions of that work would be harmful to minors, the situation is no less serious.

Expurgation of any books or other library resources imposes a restriction, without regard to the rights and desires of all library users, by limiting access to ideas and information. (See also other [Interpretations to the Library Bill of Rights](#), including [Access to Electronic Information, Services, and Networks](#) and [Free Access to Libraries for Minors](#).)

Further, expurgation without written permission from the holder of the copyright on the material may violate the copyright provisions of the United States Code.

---

Adopted February 2, 1973, by the ALA Council; amended July 1, 1981; January 10, 1990.

[ISBN 8389-5419-7]

Reprinted by permission of the American Library Association

## Policy on Governmental Intimidation

The American Library Association opposes any use of governmental prerogatives that lead to the intimidation of individuals or groups and discourages them from exercising the right of free expression as guaranteed by the [First Amendment](#) to the U.S. Constitution. ALA encourages resistance to such abuse of governmental power and supports those against whom such governmental power has been employed.

---

Adopted February 2, 1973, by the ALA Council; amended July 1, 1981; June 30, 2004.

Reprinted by permission of the American Library Association

## Confidentiality and Coping with Law Enforcement Inquiries: Guidelines for the Library and its Staff

Increased visits to libraries by law enforcement agents, including FBI agents and officers of state, county, and municipal police departments, are raising considerable concern among the public and the library community. These visits are not only a result of the increased surveillance and investigation prompted by the events of September 11, 2001, and the subsequent passage of the [USA PATRIOT Act](#), but also as a result of law enforcement officers investigating computer crimes, including e-mail threats and possible violations of the laws addressing online obscenity and child pornography.

These guidelines, developed to assist libraries and library staff in dealing with law enforcement inquiries, rely upon the ALA's

[Privacy: An Interpretation of the Library Bill of Rights](#);

[Questions and Answers on Privacy and Confidentiality](#);

[Policy on Confidentiality of Library Records](#);

[Suggested Procedures for Implementing Policy on Confidentiality of Library Records](#);

[Policy Concerning Confidentiality of Personally Identifiable Information about Library Users](#);

[Code of Ethics](#).

See also [Privacy and Confidentiality](#); [Intellectual Freedom Issues](#); [Privacy Tool Kit](#). See also [Law Enforcement Inquiries: Guidelines for Staff](#), produced by the Colorado Association of Libraries Intellectual Freedom Committee.

### Fundamental Principles

Librarians' professional ethics require that personally identifiable information about library users be kept confidential. This principle is reflected in Article III of the [Code of Ethics](#), which states that "[librarians] protect each library user's right to privacy and confidentiality with respect to information sought or received, and resources consulted, borrowed, acquired, or transmitted." [Privacy: An Interpretation of the Library Bill of Rights](#), notes that "[p]rotecting user privacy and confidentiality has long been an integral part of the mission of libraries."

Currently, 48 states and the District of Columbia have [laws protecting the confidentiality of library records](#), and the Attorneys General of the remaining two states, Hawaii and Kentucky, have ruled that library records are confidential and may not be disclosed under the laws governing open records. Confidential library records should not be released or made available in any format to a federal agent, law enforcement officer, or other person unless a court order in proper form has been entered by a court of competent jurisdiction after a showing of good cause by the law enforcement agency or person seeking the records.

## General Guidelines

Confidentiality of library records is a basic principle of librarianship. As a matter of policy or procedure, the library administrator should ensure that:

The library staff and governing board are familiar with the ALA [Policy on Confidentiality of Library Records](#), the [Policy Concerning Confidentiality of Personally Identifiable Information about Library Users](#), and [other ALA documents on users' privacy and confidentiality](#).

The library staff and governing board are familiar with their [state's library confidentiality statute or attorney general's opinion](#).

The library adopts a [policy on users' privacy and confidentiality](#). Such policies should inform users about their expectation of privacy and how the library handles their confidential information.

The library adopts staff policies that inform the staff and board about the procedures to follow if the library is served with judicial process (search warrants or subpoenas) seeking library records or if law enforcement agents conduct inquiries in the library.

The library staff is familiar with the library's policy on confidentiality and its procedures for handling court orders and law enforcement inquiries.

## Library Procedures Affect Confidentiality

Law enforcement visits aside, be aware that library operating procedures have an impact on confidentiality. The following recommendations are suggestions to bring library procedures into compliance with most state confidentiality statutes, ALA policies on confidentiality and its *Code of Ethics*:

Avoid creating unnecessary records. Only record a user's personally identifiable information when necessary for the efficient operation of the library.

Avoid retaining records that are not needed for efficient operation of the library. Check with your local governing body to learn if there are laws or policies addressing record retention and in conformity with these laws or policies, develop policies on the length of time necessary to retain a record. Ensure that all kinds and types of records are covered by the policy, including data-related logs, digital records, and system backups.

Once record retention policies are in place, ensure that records are destroyed or archived on schedule. A library cannot destroy records after it receives notice from law enforcement agents that the records may be subject to judicial process.

Be aware of library practices and procedures that place information on public view. Some examples are the use of postcards for overdue notices or requested materials; staff terminals placed so that the screens can be read by the public; sign-in sheets to use computers or other devices; and the provision of titles of reserve requests or interlibrary loans provided over the telephone to users' family members or answering machines.

Remember that there is no affirmative duty to collect or retain information about library patrons on behalf of law enforcement.

### Recommended Procedures for Law Enforcement Visits

Before any visit:

Designate the person or persons who will be responsible for handling law enforcement requests. In most circumstances, it should be the library director, and, if available, the library's legal counsel.

Review the library's confidentiality policy and state confidentiality law with library counsel. Communicate those policies and the requirements of the law to both staff and volunteer workers in the library.

Train all library staff, *including volunteers*, on the library's procedure for handling law enforcement requests. They should understand that it is lawful to refer the agent or officer to an administrator in charge of the library, and that they do not need to respond immediately to any request.

A court order may require the removal of a computer workstation or other computer storage device from the library. Have plans in place to address service interruptions and any necessary backups for equipment and software.

During the visit:

Staff should immediately ask for identification if they are approached by an agent or law enforcement officer, and then record the information. If possible, verify the information with the local FBI office or the police department. The agent or officer should then be immediately referred to the library director or the designated supervisor.

The director or supervisor should meet with the agent with another colleague in attendance. If possible, one person should take notes if a record of the encounter is needed in the future.

If the agent or officer does not have a court order compelling the production of records, the library director should explain the library's confidentiality policy and the state's confidentiality law, and inform the agent or officer that users' records are not available except when a proper court order in good form has been presented to the library.

Without a court order, neither the FBI nor local law enforcement has authority to compel cooperation with an investigation or require answers to questions, other than the name and address of the person speaking to the agent or officer. If the agent or officer persists, or makes an appeal to patriotism, the library director should explain that, as good citizens, the library staff will not respond to informal requests for confidential information, in conformity with professional ethics, [First Amendment](#) freedoms, and state law.

If the agent or officer presents a search warrant or other judicial process, the library director should immediately call the library's counsel and ask for assistance.

If the judicial process is in the form of a subpoena:

Remember that a subpoena does not require an immediate response from the library. Thank the officer serving the subpoena and inform him or her that the library will respond to the subpoena within the time allotted and in conformity with the law. Immediately refer the subpoena to the library's legal counsel.

Counsel should examine the subpoena for any legal defect, including the manner in which it was served on the library, the breadth of its request, its form, or an insufficient showing of good cause made to a court. If a defect exists, counsel will advise on the best method to resist the subpoena.

Through legal counsel, insist that any defect be cured before records are released and that the subpoena is strictly limited to require release of specifically identified records or documents. If there does not appear to be good cause for the subpoena, or if it seems too broad or intrusive, ask your attorney to file a motion to quash the subpoena in its entirety.

Require that the agent, officer, or party requesting the information submit a new subpoena in good form and without defects.

If you decide to comply with the subpoena after consulting with legal counsel, review the information that may be produced in response to the subpoena before releasing the information. Follow the subpoena strictly and do not provide any information that is not specifically requested in it.

If disclosure is required, ask the court to enter a protective order (drafted by the library's counsel) keeping the information confidential and limiting its use to the particular case. Ask that access be restricted to those persons working directly on the case.

If the court order is in the form of a search warrant:

Unlike a subpoena, a search warrant may be executed immediately. The agent or officer may begin a search of library records as soon as the library is served with the court's order.

Ask to have library counsel present before the search begins in order to allow library counsel an opportunity to examine the search warrant and to ensure that the search conforms to the terms of the search warrant.

If the officer refuses to delay the search, examine the warrant. Ensure that the warrant has been issued by a local or federal court in your state and is current and not expired. If you question the validity of the warrant, call the issuing court to confirm the validity of the warrant.

The warrant will include information that identifies the premises to be searched and the items or records to be produced under the warrant. Ask that the officer observe the boundaries set by the search warrant.

Cooperate with the search to ensure that only the records identified in the warrant are produced and that no other users' records are viewed or scanned. Staff should be trained not to discuss the warrant with the officer, identify any documents, or to volunteer information without first consulting with the library's counsel.

Record and keep an inventory of the records or items seized from the library. If possible, keep the originals and provide the agent with copies (or make copies for the library's reference).

While most law enforcement officers will cooperate with a library's request to allow counsel to examine the warrant, it is possible that an officer will refuse to delay his or her search. Train staff to step aside and not to interfere with the officer in those cases. They should continue their attempt to notify the library director and library counsel, and make every effort to keep a record of the incident.

If the court order is a search warrant issued under the Foreign Intelligence Surveillance Act (FISA) (USA PATRIOT Act amendment):

The recommendations for a regular search warrant still apply. However, a search warrant issued by a FISA court also contains a "gag order." That means that no person or institution served with the warrant can disclose that the warrant has been served or that records have been produced pursuant to the warrant.

The library and its staff must comply with this order. No information can be disclosed to any other party, including the patron whose records are the subject of the search warrant. Note that the FISA gag order permits the person receiving the FISA warrant to inform the library director and those members of the staff who are needed to produce the records.

The gag order does not change a library's right to legal representation during the search. The library can still seek legal advice concerning the warrant and request that the library's legal counsel be present during the actual search and execution of the warrant.

If the library does not have legal counsel and wishes legal advice, the library can still obtain legal assistance through the Freedom to Read Foundation's legal counsel. Simply call the Office for Intellectual Freedom (800-545-2433, ext. 4223) and inform the staff that you need legal advice. OIF staff will ensure that an attorney returns your call. You do not have to and should not inform OIF staff of the existence of the warrant.

After the visit:

Review the subpoena or search warrant with library counsel to ensure that the library complies with any remaining requirements, including restrictions on sharing information with others.

Review library policies and staff response and make any necessary revisions in light of experience.

Be prepared to communicate with the news media. Designate one person who will be responsible for communicating with the media. Develop a public information statement detailing the principles upholding library confidentiality that includes an explanation of the chilling effect on First Amendment rights caused by public access to users' personally identifiable information, and share it with your staff, so they are able to communicate the library's message to their acquaintances and neighbors in the community.

If possible, notify the ALA about your experience by calling the Office for Intellectual Freedom at 800-545-2433, extension 4223.

See also:

[Privacy: An Interpretation of the Library Bill of Rights;](#)

[Questions and Answers on Privacy and Confidentiality;](#)

[Policy on Confidentiality of Library Records;](#)

[Suggested Procedures for Implementing Policy on Confidentiality of Library Records;](#)

[Policy Concerning Confidentiality of Personally Identifiable Information about Library Users;](#)

[American Library Association Code of Ethics;](#)

[\*\*Privacy Tool Kit\*\*](#)

American Library Association  
Office for Intellectual Freedom  
April 2005

Reprinted by permission of the American Library Association



# Section 6: Access for All

## Access for Children and Young Adults to Nonprint Materials An Interpretation of the Library Bill of Rights

Library collections of nonprint materials raise a number of intellectual freedom issues, especially regarding minors. Article V of the [Library Bill of Rights](#) states, "A person's right to use a library should not be denied or abridged because of origin, age, background, or views."

The American Library Association's principles protect minors' access to sound, images, data, games, software, and other content in all formats such as tapes, CDs, DVDs, music CDs, computer games, software, databases, and other emerging technologies. ALA's [Free Access to Libraries for Minors](#): An *Interpretation* of the Library Bill of Rights states:

. . . The "right to use a library" includes free access to, and unrestricted use of, all the services, materials, and facilities the library has to offer. Every restriction on access to, and use of, library resources, based solely on the chronological age, educational level, literacy skills, or legal emancipation of users violates Article V.

. . . [P]arents—and only parents—have the right and responsibility to restrict access of their children—and only their children—to library resources. Parents who do not want their children to have access to certain library services, materials, or facilities should so advise their children. Librarians and library governing bodies cannot assume the role of parents or the functions of parental authority in the private relationship between parent and child.

Lack of access to information can be harmful to minors. Librarians and library governing bodies have a public and professional obligation to ensure that all members of the community they serve have free, equal, and equitable access to the entire range of library resources regardless of content, approach, format, or amount of detail. This principle of library service applies equally to all users, minors as well as adults. Librarians and library governing bodies must uphold this principle in order to provide adequate and effective service to minors.

Policies that set minimum age limits for access to any nonprint materials or information technology, with or without parental permission, abridge library use for minors. Age limits based on the cost of the materials are also unacceptable. Librarians, when dealing with minors, should apply the same standards to circulation of nonprint materials as are applied to books and other print materials except when directly and specifically prohibited by law.

Recognizing that librarians cannot act *in loco parentis*, ALA acknowledges and supports the exercise by parents of their responsibility to guide their own children's reading and viewing. Libraries should provide published reviews and/or reference works that contain information about the content, subject matter, and recommended audiences for nonprint materials. These resources will assist parents in guiding their children without implicating the library in censorship.

In some cases, commercial content ratings, such as the [Motion Picture Association of America](#) (MPAA) movie ratings, might appear on the packaging or promotional materials provided by producers or distributors. However, marking out or removing this information from materials or packaging constitutes expurgation or censorship.

MPAA movie ratings, [Entertainment Software Rating Board](#) (ESRB) game ratings, and other rating services are private advisory codes and have no legal standing ([Expurgation of Library Materials](#)). For the library to add ratings to nonprint materials if they are not already there is unacceptable. It is also unacceptable to post a list of such ratings with a collection or to use them in circulation policies or other procedures. These uses constitute labeling, "an attempt to prejudice attitudes" ([Labels and Rating Systems](#)), and are forms of censorship. The application of locally generated ratings schemes intended to provide content warnings to library users is also inconsistent with the Library Bill of Rights.

The interests of young people, like those of adults, are not limited by subject, theme, or level of sophistication. Librarians have a responsibility to ensure young people's access to materials and services that reflect diversity of content and format sufficient to meet their needs.

---

Adopted June 28, 1989, by the ALA Council; amended June 30, 2004.

[ISBN 8389-7351-5]

Reprinted by permission of the American Library Association

## Resolution on Access to the Use of Libraries and Information by Individuals with Physical or Mental Impairment

Whereas, The Intellectual Freedom Committee is concerned with freedom of access; and

Whereas, The [\*Library Bill of Rights\*](#) states that "books and other library resources should be provided for the interests, information and enlightenment of all people of the community the library serves" and "a person's right to use a library should not be denied or abridged ..."; and

Whereas, Federal and state constitutional and statutory laws forbid public institutions from discriminating against handicapped individuals, i.e., persons who have a physical or mental impairment; and

Whereas, Court opinions have clearly interpreted said laws as proscribing discrimination against persons who have acquired immune deficiency syndrome ("AIDS"), AIDS-related complex ("ARC"), or who test positive for the human immunodeficiency virus ("HIV"); and

Whereas, The American Medical Association and the United States Department of Health and Human Services have opined that while the human immunodeficiency virus that causes AIDS is a contagious disease, it cannot be transmitted by casual contact; now, therefore be it

Resolved, That the *Library Bill of Rights* of the American Library Association which insures access to library facilities, materials and services by all people of the community includes individuals with physical or mental impairments; and be it further

Resolved, That the American Library Association deplores discrimination against and denial or abridgment of library and information access to persons of all ages who have acquired immune deficiency syndrome ("AIDS"), AIDS-related complex ("ARC"), or who test positive for the human immunodeficiency virus ("HIV").

---

Adopted January 13, 1988, by the ALA Council.

Reprinted by permission of the American Library Association

## Access to Resources and Services in the School Library Media Program An Interpretation of the Library Bill of Rights

The school library media program plays a unique role in promoting intellectual freedom. It serves as a point of voluntary access to information and ideas and as a learning laboratory for students as they acquire critical thinking and problem-solving skills needed in a pluralistic society. Although the educational level and program of the school necessarily shapes the resources and services of a school library media program, the principles of the [Library Bill of Rights](#) apply equally to all libraries, including school library media programs.

School library media specialists assume a leadership role in promoting the principles of intellectual freedom within the school by providing resources and services that create and sustain an atmosphere of free inquiry. School library media specialists work closely with teachers to integrate instructional activities in classroom units designed to equip students to locate, evaluate, and use a broad range of ideas effectively. Through resources, programming, and educational processes, students and teachers experience the free and robust debate characteristic of a democratic society.

School library media specialists cooperate with other individuals in building collections of resources appropriate to the needs and to the developmental and maturity levels of students. These collections provide resources that support the mission of the school district and are consistent with its philosophy, goals, and objectives. Resources in school library media collections are an integral component of the curriculum and represent diverse points of view on both current and historical issues. These resources include materials that support the intellectual growth, personal development, individual interests, and recreational needs of students.

While English is, by history and tradition, the customary language of the United States, the languages in use in any given community may vary. Schools serving communities in which other languages are used make efforts to accommodate the needs of students for whom English is a second language. To support these efforts, and to ensure equal access to resources and services, the school library media program provides resources that reflect the linguistic pluralism of the community.

Members of the school community involved in the collection development process employ educational criteria to select resources unfettered by their personal, political, social, or religious views. Students and educators served by the school library media program have access to resources and services free of constraints resulting from personal, partisan, or doctrinal disapproval. School library media specialists resist efforts by individuals or groups to define what is appropriate for all students or teachers to read, view, hear, or access via electronic means.

Major barriers between students and resources include but are not limited to imposing age or grade level restrictions on the use of resources; limiting the use of interlibrary loan and access to electronic information; charging fees for information in specific formats; requiring permission from parents or teachers; establishing restricted shelves or closed collections; and labeling. Policies, procedures, and rules related to the use of resources and services support free and open access to information.

The school board adopts policies that guarantee students access to a broad range of ideas. These include policies on collection development and procedures for the review of resources about which concerns have been raised. Such policies, developed by persons in the school community, provide for a timely and fair hearing and assure that procedures are applied equitably to all expressions of concern. School library media specialists implement district policies and procedures in the school.

---

Adopted July 2, 1986, by the ALA Council; amended January 10, 1990; July 12, 2000; January 19, 2005.

[ISBN 8389-7053-2]

Reprinted by permission of the American Library Association

## Access to Library Resources and Services Regardless of Sex, Gender Identity, or Sexual Orientation An Interpretation of the Library Bill of Rights

American libraries exist and function within the context of a body of laws derived from the United States Constitution and the [First Amendment](#). The [Library Bill of Rights](#) embodies the basic policies that guide libraries in the provision of services, materials, and programs.

In the preamble to its Library Bill of Rights, the American Library Association affirms that *all* [emphasis added] libraries are forums for information and ideas. This concept of *forum* and its accompanying principle of *inclusiveness* pervade all six Articles of the *Library Bill of Rights*.

The American Library Association stringently and unequivocally maintains that libraries and librarians have an obligation to resist efforts that systematically exclude materials dealing with any subject matter, including sex, gender identity, or sexual orientation:

Article I of the *Library Bill of Rights* states that "Materials should not be excluded because of the origin, background, or views of those contributing to their creation." The Association affirms that books and other materials coming from gay, lesbian, bisexual, and/or transgendered presses, gay, lesbian, bisexual and/or transgendered authors or other creators, and materials regardless of format or services dealing with gay, lesbian, bisexual and/or transgendered life are protected by the *Library Bill of Rights*. Librarians are obligated by the *Library Bill of Rights* to endeavor to select materials without regard to the sex, gender identity, or sexual orientation of their creators by using the criteria identified in their written, approved selection policies ([ALA policy 53.1.5](#)).

Article II maintains that "Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval." Library services, materials, and programs representing diverse points of view on sex, gender identity, or sexual orientation should be considered for purchase and inclusion in library collections and programs. (ALA policies [53.1.1](#), [53.1.9](#), and [53.1.11](#)). The Association affirms that attempts to proscribe or remove materials dealing with gay, lesbian, bisexual, and/or transgendered life without regard to the written, approved selection policy violate this tenet and constitute censorship.

Articles III and IV mandate that libraries "challenge censorship" and cooperate with those "resisting abridgement of free expression and free access to ideas."

Article V holds that "A person's right to use a library should not be denied or abridged because of origin, age, background or views." In the *Library Bill of Rights* and all its Interpretations, it is intended that: "origin" encompasses all the characteristics of individuals that are inherent in the circumstances of their birth; "age" encompasses all the characteristics of individuals that are inherent in their levels of development and maturity; "background" encompasses all the characteristics of individuals that are a result of their life experiences; and "views" encompasses all the opinions and beliefs held and expressed by individuals. Therefore, Article V of the *Library Bill of Rights* mandates that library services, materials, and programs be available to all members of the community the library serves, without regard to sex, gender identity, or sexual

orientation. This includes providing youth with comprehensive sex education literature ([ALA Policy 52.5.2](#)).

Article VI maintains that "Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use." This protection extends to all groups and members of the community the library serves, without regard to sex, gender identity, or sexual orientation.

The American Library Association holds that any attempt, be it legal or extra-legal, to regulate or suppress library services, materials, or programs must be resisted in order that protected expression is not abridged. Librarians have a professional obligation to ensure that all library users have free and equal access to the entire range of library services, materials, and programs. Therefore, the Association strongly opposes any effort to limit access to information and ideas. The Association also encourages librarians to proactively support the First Amendment rights of all library users, regardless of sex, gender identity, or sexual orientation.

---

Adopted June 30, 1993, by the ALA Council; amended July 12, 2000, June 30, 2004.

[ISBN 8389-7701-4]

Reprinted by permission of the American Library Association

**Resolution on Prisoners' Right to Read**  
**An Excerpt from**

*Library Standards for Adult Correctional Institutions* (1992), page 28; Appendix B

WHEREAS, The right to read is a fundamental concern of the American Library Association;  
and

WHEREAS, Censorship is a problem for many prisoners and for librarians providing materials  
and information for prisoners; and

WHEREAS, Several states have statutes or regulations regarding prisoners' right to read, as  
California Penal Code Section 2601(c), which provides that prisoners have the right: to purchase,  
receive, read, and permit other inmates to read any and all legal materials, newspapers,  
periodicals, and books accepted for distribution by the United States Post Office, except those  
which describe the making of any weapon, explosive, poison or destructive device. Nothing in  
this section shall be construed as limiting the right of prison authorities (1) to open and inspect  
any and all packages received by an inmate, and (2) to establish reasonable restrictions as to the  
number of newspapers, magazines, and books that the inmate may have in his cell or elsewhere  
in the prison at one time.

NOW, THEREFORE, BE IT

RESOLVED, That the American Library Association urge that legislation and/or administrative  
regulations similar to California Penal Code Section 2601(c) be secured in all states without such  
provisions; and Further,

RESOLVED, That the American Library Association shall transmit a copy of this resolution to  
the Intellectual Freedom and Legislation Committees of all ALA state chapters, urging them to  
work with agencies and persons concerned with prisoners' right to read to secure similar  
legislation and/or administrative regulations.

ADOPTED BY THE ALA COUNCIL July 13, 1982

Reprinted by permission of the American Library Association

## Economic Barriers to Information Access: An Interpretation of the Library Bill of Rights

A democracy presupposes an informed citizenry. The [First Amendment](#) mandates the right of all persons to free expression, and the corollary right to receive the constitutionally protected expression of others. The publicly supported library provides free, equal, and equitable access to information for all people of the community the library serves. While the roles, goals and objectives of publicly supported libraries may differ, they share this common mission.

The library's essential mission must remain the first consideration for librarians and governing bodies faced with economic pressures and competition for funding.

In support of this mission, the American Library Association has enumerated certain principles of library services in the [Library Bill of Rights](#).

### Principles Governing Fines, Fees, and User Charges

Article I of the *Library Bill of Rights* states:

Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves.

Article V of the *Library Bill of Rights* states:

A person's right to use a library should not be denied or abridged because of origin, age, background, or views.

The American Library Association opposes the charging of user fees for the provision of information by all libraries and information services that receive their major support from public funds. All information resources that are provided directly or indirectly by the library, regardless of technology, format, or methods of delivery, should be readily, equally and equitably accessible to all library users.

Libraries that adhere to these principles systematically monitor their programs of service for potential barriers to access and strive to eliminate such barriers when they occur. All library policies and procedures, particularly those involving fines, fees, or other user charges, should be scrutinized for potential barriers to access. All services should be designed and implemented with care, so as not to infringe on or interfere with the provision or delivery of information and resources for all users. Services should be reevaluated regularly to ensure that the library's basic mission remains uncompromised.

Librarians and governing bodies should look for alternative models and methods of library administration that minimize distinctions among users based on their economic status or financial condition. They should resist the temptation to impose user fees to alleviate financial pressures, at long-term cost to institutional integrity and public confidence in libraries.

Library services that involve the provision of information, regardless of format, technology, or method of delivery, should be made available to all library users on an equal and equitable basis.

Charging fees for the use of library collections, services, programs, or facilities that were purchased with public funds raises barriers to access. Such fees effectively abridge or deny access for some members of the community because they reinforce distinctions among users based on their ability and willingness to pay.

#### Principles Governing Conditions of Funding

Article II of the *Library Bill of Rights* states:

Materials should not be proscribed or removed because of partisan or doctrinal disapproval.

Article III of the *Library Bill of Rights* states:

Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.

Article IV of the *Library Bill of Rights* states:

Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.

The American Library Association opposes any legislative or regulatory attempt to impose content restrictions on library resources, or to limit user access to information, as a condition of funding for publicly supported libraries and information services.

The First Amendment guarantee of freedom of expression is violated when the right to receive that expression is subject to arbitrary restrictions based on content.

Librarians and governing bodies should examine carefully any terms or conditions attached to library funding and should oppose attempts to limit through such conditions full and equal access to information because of content. This principle applies equally to private gifts or bequests and to public funds. In particular, librarians and governing bodies have an obligation to reject such restrictions when the effect of the restriction is to limit equal and equitable access to information.

Librarians and governing bodies should cooperate with all efforts to create a community consensus that publicly supported libraries require funding unfettered by restrictions. Such a consensus supports the library mission to provide the free and unrestricted exchange of information and ideas necessary to a functioning democracy.

The Association's historic position in this regard is stated clearly in a number of Association policies: 50.4 "Free Access to Information," 50.8 "Financing of Libraries," 51.2 "Equal Access to Library Service," 51.3 "Intellectual Freedom," 53 "Intellectual Freedom Policies," 59.1 "Policy Objectives," and 60 "Library Services for the Poor."

---

Adopted June 30, 1993, by the ALA Council.

[ISBN 8389-7702-2]

Reprinted by permission of the American Library Association

## Diversity in Collection Development: An Interpretation of the Library Bill of Rights

Throughout history, the focus of censorship has fluctuated from generation to generation. Books and other materials have not been selected or have been removed from library collections for many reasons, among which are prejudicial language and ideas, political content, economic theory, social philosophies, religious beliefs, sexual forms of expression, and other potentially controversial topics.

Some examples of censorship may include removing or not selecting materials because they are considered by some as racist or sexist; not purchasing conservative religious materials; not selecting materials about or by minorities because it is thought these groups or interests are not represented in a community; or not providing information on or materials from non-mainstream political entities.

Librarians may seek to increase user awareness of materials on various social concerns by many means, including, but not limited to, issuing bibliographies and presenting exhibits and programs. Librarians have a professional responsibility to be inclusive, not exclusive, in collection development and in the provision of interlibrary loan. Access to all materials legally obtainable should be assured to the user, and policies should not unjustly exclude materials even if they are offensive to the librarian or the user. Collection development should reflect the philosophy inherent in Article II of the [\*Library Bill of Rights\*](#): “Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.” A balanced collection reflects a diversity of materials, not an equality of numbers. Collection development responsibilities include selecting materials in the languages in common use in the community the library serves. Collection development and the selection of materials should be done according to professional standards and established selection and review procedures.

There are many complex facets to any issue, and variations of context in which issues may be expressed, discussed, or interpreted. Librarians have a professional responsibility to be fair, just, and equitable and to give all library users equal protection in guarding against violation of the library patron’s right to read, view, or listen to materials and resources protected by the [\*First Amendment\*](#), no matter what the viewpoint of the author, creator, or selector. Librarians have an obligation to protect library collections from removal of materials based on personal bias or prejudice, and to select and support the access to materials on all subjects that meet, as closely as possible, the needs, interests, and abilities of all persons in the community the library serves. This includes materials that reflect political, economic, religious, social, minority, and sexual issues.

Intellectual freedom, the essence of equitable library services, provides for free access to all expressions of ideas through which any and all sides of a question, cause, or movement may be explored. Toleration is meaningless without tolerance for what some may consider detestable. Librarians cannot justly permit their own preferences to limit their degree of tolerance in collection development, because freedom is indivisible.

Adopted July 14, 1982, by the ALA Council; amended January 10, 1990.

[ISBN 8389-6552-0]

Reprinted by permission of the American Library Association

## Labels and Rating Systems

### An Interpretation of the Library Bill of Rights

Libraries do not advocate the ideas found in their collections or in resources accessible through the library. The presence of books and other resources in a library does not indicate endorsement of their contents by the library. Likewise, the ability for library users to access electronic information using library computers does not indicate endorsement or approval of that information by the library.

#### Labels

Labels on library materials may be viewpoint-neutral directional aids that save the time of users, or they may be attempts to prejudice or discourage users or restrict their access to materials. When labeling is an attempt to prejudice attitudes, it is a censor's tool. The American Library Association opposes labeling as a means of predisposing people's attitudes toward library materials.

Prejudicial labels are designed to restrict access, based on a value judgment that the content, language or themes of the material, or the background or views of the creator(s) of the material, render it inappropriate or offensive for all or certain groups of users. The prejudicial label is used to warn, discourage or prohibit users or certain groups of users from accessing the material. Such labels may be used to remove materials from open shelves to restricted locations where access depends on staff intervention.

Viewpoint-neutral directional aids facilitate access by making it easier for users to locate materials. The materials are housed on open shelves and are equally accessible to all users, who may choose to consult or ignore the directional aids at their own discretion.

Directional aids can have the effect of prejudicial labels when their implementation becomes proscriptive rather than descriptive. When directional aids are used to forbid access or to suggest moral or doctrinal endorsement, the effect is the same as prejudicial labeling.

#### Rating Systems

A variety of organizations promulgate rating systems as a means of advising either their members or the general public concerning their opinions of the contents and suitability or appropriate age for use of certain books, films, recordings, Web sites, or other materials. The adoption, enforcement, or endorsement of any of these rating systems by the library violates the [Library Bill of Rights](#). Adopting such systems into law may be unconstitutional. If such legislation is passed, the library should seek legal advice regarding the law's applicability to library operations.

Publishers, industry groups, and distributors sometimes add ratings to material or include them as part of their packaging. Librarians should not endorse such practices. However, removing or destroying such ratings—if placed there by, or with permission of, the copyright holder—could constitute expurgation (see [Expurgation of Library Materials: An Interpretation of the Library Bill of Rights](#)).

Some find it easy and even proper, according to their ethics, to establish criteria for judging materials as objectionable. However, injustice and ignorance, rather than justice and enlightenment, result from such practices. The American Library Association opposes any efforts that result in closing any path to knowledge.

---

Adopted July 13, 1951, by the ALA Council; amended June 25, 1971; July 1, 1981; June 26, 1990; January 19, 2005.

[ISBN 8389-5226-7]

Reprinted by permission of the American Library Association

# Guidelines for the Development of Policies and Procedures Regarding User Behavior and Library Usage

## Introduction

Libraries are faced with problems of user behavior that must be addressed to ensure the effective delivery of service and full access to facilities. Library governing bodies should approach the regulation of user behavior within the framework of the ALA [Code of Ethics](#), the [Library Bill of Rights](#) and the law, including local and state statutes, constitutional standards under the First and Fourteenth Amendments, due process and equal and equitable treatment under the law.

Publicly supported library service is based upon the [First Amendment](#) right of free expression. Publicly supported libraries are recognized as limited [public forums](#) for access to information. Courts have recognized a First Amendment right to receive information in a public library. Library policies and procedures that could impinge upon such rights are subject to a higher standard of review than may be required in the policies of other public services and facilities.

There is a significant government interest in maintaining a library environment that is conducive to all users' exercise of their constitutionally protected right to receive information. This significant interest authorizes publicly supported libraries to maintain a safe and healthy environment in which library users and staff can be free from harassment, intimidation, and threats to their safety and well-being. Libraries should provide appropriate safeguards against such behavior and enforce policies and procedures addressing that behavior when it occurs.

In order to protect all library users' right of access to library facilities, to ensure the safety of users and staff, and to protect library resources and facilities from damage, the library's governing authority may impose reasonable restrictions on the time, place, or manner of library access.

## Guidelines

The American Library Association's Intellectual Freedom Committee recommends that publicly supported libraries use the following guidelines, based upon constitutional principles, to develop policies and procedures governing the use of library facilities:

Libraries are advised to rely upon existing legislation and law enforcement mechanisms as the primary means of controlling behavior that involves public safety, criminal behavior, or other issues covered by existing local, state, or federal statutes. In many instances, this legal framework may be sufficient to provide the library with the necessary tools to maintain order.

If the library's governing body chooses to write its own policies and procedures regarding user behavior or access to library facilities, services, and resources, the policies should cite statutes or ordinances upon which the authority to make those policies is based.

Library policies and procedures governing the use of library facilities should be carefully examined to ensure that they embody the principles expressed in the *Library Bill of Rights*.

Reasonable and narrowly drawn policies and procedures designed to prohibit interference with use of the facilities and services by others, or to prohibit activities inconsistent with achievement of the library's mission statement and objectives, are acceptable.

Such policies and the attendant implementing procedures should be reviewed frequently and updated as needed by the library's legal counsel for compliance with federal and state constitutional requirements, federal and state civil rights legislation, all other applicable federal and state legislation, and applicable case law.

Every effort should be made to respond to potentially difficult circumstances of user behavior in a timely, direct, and open manner. Common sense, reason and sensitivity should be used to resolve issues in a constructive and positive manner without escalation.

Libraries should develop an ongoing staff training program based upon their user behavior policy. This program should include training to develop empathy and understanding of the social and economic problems of some library users.

Policies and regulations that impose restrictions on library access:

should apply only to those activities that materially interfere with the public's right of access to library facilities, the safety of users and staff, and the protection of library resources and facilities;

should narrowly tailor prohibitions or restrictions so that they are not more restrictive than needed to serve their objectives;

should attempt to balance competing interests and avoid favoring the majority at the expense of individual rights, or allowing individual users' rights to supersede those of the majority of library users;

should be based solely upon actual behavior and not upon arbitrary distinctions between individuals or classes of individuals. Policies should not target specific users or groups of users based upon an assumption or expectation that such users might engage in behaviors that could disrupt library service;

should not restrict access to the library by persons who merely inspire the anger or annoyance of others. Policies based upon appearance or behavior that is merely annoying or that merely generates negative subjective reactions from others, do not meet the necessary standard. Such policies should employ a reasonable, objective standard based on the behavior itself;

must provide a clear description of the behavior that is prohibited and the various enforcement measures in place so that a reasonably intelligent person will have both due process and fair warning; this description must be continuously and clearly communicated in an effective manner to all library users;

to the extent possible, should not leave those affected without adequate alternative means of access to information in the library;

must be enforced evenhandedly, and not in a manner intended to benefit or disfavor any person or group in an arbitrary or capricious manner.

The user behaviors addressed in these Guidelines are the result of a wide variety of individual and societal conditions. Libraries should take advantage of the expertise of local social service agencies, advocacy groups, mental health professionals, law enforcement officials, and other community resources to develop community strategies for addressing the needs of a diverse population.

Adopted by the Intellectual Freedom Committee, January 24, 1993; revised November 17, 2000; revised January 19, 2005

Reprinted by permission of the American Library Association

## Library-Initiated Programs as a Resource: An Interpretation of the Library Bill of Rights

Library-initiated programs support the mission of the library by providing users with additional opportunities for information, education, and recreation. Article I of the [Library Bill of Rights](#) states: “Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves.”

Library-initiated programs take advantage of library staff expertise, collections, services and facilities to increase access to information and information resources. Library-initiated programs introduce users and potential users to the resources of the library and to the library’s primary function as a facilitator of information access. The library may participate in cooperative or joint programs with other agencies, organizations, institutions, or individuals as part of its own effort to address information needs and to facilitate information access in the community the library serves.

Library-initiated programs on site and in other locations include, but are not limited to, speeches, community forums, discussion groups, demonstrations, displays, and live or media presentations.

Libraries serving multilingual or multicultural communities should make efforts to accommodate the information needs of those for whom English is a second language. Library-initiated programs that cross language and cultural barriers introduce otherwise underserved populations to the resources of the library and provide access to information.

Library-initiated programs “should not be proscribed or removed [or canceled] because of partisan or doctrinal disapproval” of the contents of the program or the views expressed by the participants, as stated in Article II of the *Library Bill of Rights*. Library sponsorship of a program does not constitute an endorsement of the content of the program or the views expressed by the participants, any more than the purchase of material for the library collection constitutes an endorsement of the contents of the material or the views of its creator.

Library-initiated programs are a library resource, and, as such, are developed in accordance with written guidelines, as approved and adopted by the library’s policy-making body. These guidelines should include an endorsement of the *Library Bill of Rights* and set forth the library’s commitment to free and open access to information and ideas for all users.

Library staff select topics, speakers and resource materials for library-initiated programs based on the interests and information needs of the community. Topics, speakers and resource materials are not excluded from library-initiated programs because of possible controversy. Concerns, questions or complaints about library-initiated programs are handled according to the same written policy and procedures that govern reconsiderations of other library resources.

Library-initiated programs are offered free of charge and are open to all. Article V of the *Library Bill of Rights* states: “A person’s right to use a library should not be denied or abridged because of origin, age, background, or views.”

The “right to use a library” encompasses all the resources the library offers, including the right to attend library-initiated programs. Libraries do not deny or abridge access to library resources,

including library-initiated programs, based on an individual's economic background or ability to pay.

Adopted January 27, 1982, by the ALA Council; amended June 26, 1990; July 12, 2000.

[ISBN 8389-6528-8]

Reprinted by permission of the American Library Association

## Exhibit Spaces and Bulletin Boards

### An Interpretation of the Library Bill of Rights

Libraries often provide exhibit spaces and bulletin boards. The uses made of these spaces should conform to the [Library Bill of Rights](#): Article I states, "Materials should not be excluded because of the origin, background, or views of those contributing to their creation." Article II states, "Materials should not be proscribed or removed because of partisan or doctrinal disapproval." Article VI maintains that exhibit space should be made available "on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use."

In developing library exhibits, staff members should endeavor to present a broad spectrum of opinion and a variety of viewpoints. Libraries should not shrink from developing exhibits because of controversial content or because of the beliefs or affiliations of those whose work is represented. Just as libraries do not endorse the viewpoints of those whose work is represented in their collections, libraries also do not endorse the beliefs or viewpoints of topics that may be the subject of library exhibits.

Exhibit areas often are made available for use by community groups. Libraries should formulate a written policy for the use of these exhibit areas to assure that space is provided on an equitable basis to all groups that request it.

Written policies for exhibit space use should be stated in inclusive rather than exclusive terms. For example, a policy that the library's exhibit space is open "to organizations engaged in educational, cultural, intellectual, or charitable activities" is an inclusive statement of the limited uses of the exhibit space. This defined limitation would permit religious groups to use the exhibit space because they engage in intellectual activities, but would exclude most commercial uses of the exhibit space.

A publicly supported library may designate use of exhibit space for strictly library-related activities, provided that this limitation is viewpoint neutral and clearly defined.

Libraries may include in this policy rules regarding the time, place, and manner of use of the exhibit space, so long as the rules are content neutral and are applied in the same manner to all groups wishing to use the space. A library may wish to limit access to exhibit space to groups within the community served by the library. This practice is acceptable provided that the same rules and regulations apply to everyone, and that exclusion is not made on the basis of the doctrinal, religious, or political beliefs of the potential users.

The library should not censor or remove an exhibit because some members of the community may disagree with its content. Those who object to the content of any exhibit held at the library should be able to submit their complaint and/or their own exhibit proposal to be judged according to the policies established by the library.

Libraries may wish to post a permanent notice near the exhibit area stating that the library does not advocate or endorse the viewpoints of exhibits or exhibitors.

Libraries that make bulletin boards available to public groups for posting notices of public interest should develop criteria for the use of these spaces based on the same considerations as

those outlined above. Libraries may wish to develop criteria regarding the size of material to be displayed, the length of time materials may remain on the bulletin board, the frequency with which material may be posted for the same group, and the geographic area from which notices will be accepted.

Adopted July 2, 1991, by the ALA Council; amended June 30, 2004.

[ISBN 8389-7551-8]

Reprinted by permission of the American Library Association

## Evaluating Library Collections: An Interpretation of the Library Bill of Rights

The continuous review of library materials is necessary as a means of maintaining an active library collection of current interest to users. In the process, materials may be added and physically deteriorated or obsolete materials may be replaced or removed in accordance with the collection maintenance policy of a given library and the needs of the community it serves. Continued evaluation is closely related to the goals and responsibilities of all libraries and is a valuable tool of collection development. This procedure is not to be used as a convenient means to remove materials presumed to be controversial or disapproved of by segments of the community. Such abuse of the evaluation function violates the principles of intellectual freedom and is in opposition to the Preamble and Articles I and II of the [\*Library Bill of Rights\*](#), which state:

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.

Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.

The American Library Association opposes such “silent censorship” and strongly urges that libraries adopt guidelines setting forth the positive purposes and principles of evaluation of materials in library collections.

Adopted February 2, 1973, by the ALA Council; amended July 1, 1981.

[ISBN 8389-5406-5]

Reprinted by permission of the American Library Association

## Guidelines for the Development and Implementation of Policies, Regulations and Procedures Affecting Access to Library Materials, Services and Facilities

The American Library Association has adopted the [Library Bill of Rights](#) and [Interpretations of the Library Bill of Rights](#) to provide library governing authorities, librarians and other library staff and library users with guidelines on how constitutional principles apply to libraries in the United States of America.

Publicly supported libraries exist within the context of a body of law derived from the United States Constitution and appropriate state constitutions, defined by statute, and implemented by regulations, policies and procedures established by their governing bodies and administrations. These regulations, policies and procedures establish the mission of the library, define its functions, services and operations and ascertain the rights and responsibilities of the individuals served by the library.

Publicly supported library service is based upon the [First Amendment](#) right of free expression. The publicly supported library is a governmental entity that provides free, equal, and equitable access to information for all people of the community it serves. When this purpose is confirmed in policies and practices, the library is a designated limited [public forum](#) for access to information. When library policies or practices make meeting rooms, exhibit spaces, and/or bulletin boards available for public use, these spaces are designated as limited public forums for the exchange of information.

Since the *Library Bill of Rights* "affirms that all libraries are forums for information and ideas," libraries that are not publicly supported are encouraged to observe these guidelines as they develop policies, regulations and procedures.

Libraries adopt administrative policies and procedures regulating the organization and use of library materials, services and facilities. These policies and procedures affect access and may have the effect of restricting, denying or creating barriers to access to the library as a public forum, including the library's resources, facilities and services. Library policies and procedures that impinge upon First Amendment rights are subject to a higher standard of review than may be required in the policies of other public services and facilities.

Policies, procedures or regulations that may result in denying, restricting or creating physical or economic barriers to access to the library's public forum must be based on a compelling government interest. However, library governing authorities may place reasonable and narrowly drawn restrictions on the time, place or manner of access to library resources, services or facilities, provided that such restrictions are not based upon arbitrary distinctions between individuals or classes of individuals.

## GUIDELINES

The American Library Association's Intellectual Freedom Committee recommends that publicly supported libraries use the following guidelines, based on constitutional principles, to develop policies, regulations, and procedures.

All library policies, regulations, and procedures should be carefully examined to determine if they may result in denying, restricting or creating barriers to access. If they may result in such restrictions, they:

should be developed and implemented within the legal framework that applies to the library. This includes: the [United States Constitution](#), including the First and Fourteenth Amendments, due process and equal and equitable treatment under the law; the applicable state constitution; federal and state civil rights legislation; all other applicable federal, state and local legislation; and applicable case law;

should cite statutes or ordinances upon which the authority to make that policy is based, when appropriate;

should be developed and implemented within the framework of the *Library Bill of Rights* and its Interpretations;

should be based upon the library's mission and objectives;

should only impose restrictions on the access to, or use of library resources, services or facilities when those restrictions are necessary to achieve the library's mission and objectives;

should narrowly tailor prohibitions or restrictions, in the rare instances when they are required, so they are not more restrictive than needed to serve their objectives;

should attempt to balance competing interests and avoid favoring the majority at the expense of individual rights, or allowing individual users' rights to interfere materially with the majority's rights to free, equal, and equitable access to library resources, services and facilities;

should avoid arbitrary distinctions between individuals or classes of users, and should not have the effect of denying or abridging a person's right to use library resources, services or facilities based upon arbitrary distinctions such as origin, age, background or views;

In the *Library Bill of Rights* and all of its Interpretations, it is intended that: "origin" encompasses all the characteristics of individuals that are inherent in the circumstances of their birth; "age" encompasses all the characteristics of individuals that are inherent in their levels of development and maturity; "background" encompasses all the characteristics of individuals that are a result of their life experiences; and "views" encompasses all the opinions and beliefs held and expressed by individuals;

should not target specific users or groups of users based upon an assumption or expectation that such users might engage in behavior that will materially interfere with the achievement of substantial library objectives;

must be clearly stated so that a reasonably intelligent person will have fair warning of what is expected;

must provide a means of appeal;

must be reviewed regularly by the library's governing authority and by its legal counsel.

must be communicated clearly and made available in an effective manner to all library users;

must be enforced evenhandedly, and not in a manner intended to benefit or disfavor any person or group in an arbitrary or capricious manner;

Libraries should develop an ongoing staff training program designed to foster the understanding of the legal framework and principles underlying library policies and to assist staff in gaining the skill and ability to respond to potentially difficult circumstances in a timely, direct and open manner. This program should include training to develop empathy and understanding of the social and economic problems of some library users;

should, if reasonably possible, provide adequate alternative means of access to information for those whose behavior results in the denial or restriction of access to any library resource, service or facility.

Adopted by the ALA Intellectual Freedom Committee June 28, 1994; revised January 19, 2005

[ISBN 8389-7761-8]

## GLOSSARY

Below are definitions of some of the terms used in the Guidelines to assist in understanding the applicable standards:

### **arbitrary distinctions:**

inappropriate categorizations of persons, classes of persons, conduct, or things based upon criteria irrelevant to the purpose for which the distinctions are made. For example, a rule intended to regulate the length of time an item may be borrowed should not be based on an irrelevant consideration (arbitrary distinction) such as a personal characteristic of the borrower (height or age.)

### **compelling government interest:**

a term used by courts when assessing the burden of government regulation or action upon the exercise of a fundamental right such as freedom of speech. For such a rule to withstand

constitutional challenge, the government must show more than a merely important reason for the rule. The reason for the rule must be compelling; that is, it must be so important that it outweighs even the most valued and basic freedom it negatively impacts.

**limited public forum:**

a public place purposefully designated by the government, or established through tradition, as a place dedicated to a particular type of expression. As in a public forum, only reasonable content-neutral time, place and manner restrictions on speech within the scope of the designated purpose of the forum, may be imposed. The government may exclude entire categories of speech that do not fall within the designated purpose of the forum, but may not discriminate against particular viewpoints on subjects appropriate to the forum.

**materially interfere:**

a term used by courts to describe the necessary level of intrusion, inconvenience or disruption of an accepted or protected activity caused by certain conduct in order to justify regulation of that conduct. A material interference is much more than mere annoyance—it must be an actual obstacle to the exercise of a right.

**substantial objectives:**

goals related to the fundamental mission of a government institution, and not merely incidental the performance of that mission. Providing free and unrestricted access to a broad selection of materials representing various points of view is a substantial objective of a public library.

Reprinted by permission of the American Library Association

## Meeting Rooms: An Interpretation of the Library Bill of Rights

Many libraries provide meeting rooms for individuals and groups as part of a program of service. Article VI of the [\*Library Bill of Rights\*](#) states that such facilities should be made available to the public served by the given library “on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.”

Libraries maintaining meeting room facilities should develop and publish policy statements governing use. These statements can properly define time, place, or manner of use; such qualifications should not pertain to the content of a meeting or to the beliefs or affiliations of the sponsors. These statements should be made available in any commonly used language within the community served.

If meeting rooms in libraries supported by public funds are made available to the general public for non-library sponsored events, the library may not exclude any group based on the subject matter to be discussed or based on the ideas that the group advocates. For example, if a library allows charities and sports clubs to discuss their activities in library meeting rooms, then the library should not exclude partisan political or religious groups from discussing their activities in the same facilities. If a library opens its meeting rooms to a wide variety of civic organizations, then the library may not deny access to a religious organization. Libraries may wish to post a permanent notice near the meeting room stating that the library does not advocate or endorse the viewpoints of meetings or meeting room users.

Written policies for meeting room use should be stated in inclusive rather than exclusive terms. For example, a policy that the library’s facilities are open “to organizations engaged in educational, cultural, intellectual, or charitable activities” is an inclusive statement of the limited uses to which the facilities may be put. This defined limitation would permit religious groups to use the facilities because they engage in intellectual activities, but would exclude most commercial uses of the facility.

A publicly supported library may limit use of its meeting rooms to strictly “library-related” activities, provided that the limitation is clearly circumscribed and is viewpoint neutral.

Written policies may include limitations on frequency of use, and whether or not meetings held in library meeting rooms must be open to the public. If state and local laws permit private as well as public sessions of meetings in libraries, libraries may choose to offer both options. The same standard should be applicable to all.

If meetings are open to the public, libraries should include in their meeting room policy statement a section that addresses admission fees. If admission fees are permitted, libraries shall seek to make it possible that these fees do not limit access to individuals who may be unable to pay, but who wish to attend the meeting. Article V of the *Library Bill of Rights* states that “a person’s right to use a library should not be denied or abridged because of origin, age, background, or views.” It is inconsistent with Article V to restrict indirectly access to library meeting rooms based on an individual’s or group’s ability to pay for that access.

Adopted July 2, 1991, by the ALA Council.

[ISBN 8389-7550-X]

Reprinted by permission of the American Library Association

## The Universal Right to Free Expression: An Interpretation of the Library Bill of Rights

Freedom of expression is an inalienable human right and the foundation for self-government. Freedom of expression encompasses the freedoms of speech, press, religion, assembly, and association, and the corollary right to receive information.

The American Library Association endorses this principle, which is also set forth in the [Universal Declaration of Human Rights](#), adopted by the United Nations General Assembly. The Preamble of this document states that “. . . recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world. . .” and “. . . the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people. . . .”

Article 18 of this document states:

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19 states:

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers.

Article 20 states:

Everyone has the right to freedom of peaceful assembly and association.

No one may be compelled to belong to an association.

We affirm our belief that these are inalienable rights of every person, regardless of origin, age, background, or views. We embody our professional commitment to these principles in the [Library Bill of Rights](#) and [Code of Ethics](#), as adopted by the American Library Association.

We maintain that these are universal principles and should be applied by libraries and librarians throughout the world. The American Library Association’s policy on International Relations reflects these objectives:

“. . . to encourage the exchange, dissemination, and access to information and the unrestricted flow of library materials in all formats throughout the world.”

We know that censorship, ignorance, and limitations on the free flow of information are the tools of tyranny and oppression. We believe that ideas and information topple the walls of hate and fear and build bridges of cooperation and understanding far more effectively than weapons and armies.

The American Library Association is unswerving in its commitment to human rights and intellectual freedom; the two are inseparably linked and inextricably entwined. Freedom of opinion and expression is not derived from or dependent on any form of government or political power. This right is inherent in every individual. It cannot be surrendered, nor can it be denied. True justice comes from the exercise of this right.

We recognize the power of information and ideas to inspire justice, to restore freedom and dignity to the oppressed, and to change the hearts and minds of the oppressors.

Courageous men and women, in difficult and dangerous circumstances throughout human history, have demonstrated that freedom lives in the human heart and cries out for justice even in the face of threats, enslavement, imprisonment, [torture](#), exile, and death. We draw inspiration from their example. They challenge us to remain steadfast in our most basic professional responsibility to promote and defend the right of free expression.

There is no good censorship. Any effort to restrict free expression and the free flow of information aids the oppressor. Fighting oppression with censorship is self-defeating.

Threats to the freedom of expression of any person anywhere are threats to the freedom of all people everywhere. Violations of human rights and the right of free expression have been recorded in virtually every country and society across the globe.

In response to these violations, we affirm these principles:

The American Library Association opposes any use of [governmental prerogative](#) that leads to the intimidation of individuals that prevents them from exercising their rights to hold opinions without interference, and to seek, receive, and impart information and ideas. We urge libraries and librarians everywhere to resist such abuse of governmental power, and to support those against whom such governmental power has been employed.

The American Library Association condemns any governmental effort to involve libraries and librarians in restrictions on the right of any individual to hold opinions without interference, and to seek, receive, and impart information and ideas. Such restrictions pervert the function of the library and violate the professional responsibilities of librarians.

The American Library Association rejects censorship in any form. Any action that denies the inalienable human rights of individuals only damages the will to resist oppression, strengthens the hand of the oppressor, and undermines the cause of justice.

The American Library Association will not abrogate these principles. We believe that censorship corrupts the cause of justice, and contributes to the demise of freedom.

Adopted January 16, 1991, by the ALA Council.

[ISBN 0-8389-7494-5]

Reprinted by permission of the American Library Association

## Restricted Access to Library Materials An Interpretation of the Library Bill of Rights

Libraries are a traditional forum for the open exchange of information. Attempts to restrict access to library materials violate the basic tenets of the [Library Bill of Rights](#).

Some libraries place materials in a "closed shelf," "locked case," "adults only," "restricted shelf," or "high-demand" collection. Some libraries have applied filtering software to their Internet stations to prevent users from finding targeted categories of information, much of which is constitutionally protected. Some libraries block access to certain materials by placing other barriers between the user and those materials.

Because restricted materials often deal with controversial, unusual, or sensitive subjects, having to ask a librarian or circulation clerk for access to them may be embarrassing or inhibiting for patrons desiring the materials. Requiring a user to ask for materials may create a service barrier or pose a language-skills barrier. Even when a title is listed in the catalog with a reference to its restricted status, a barrier is placed between the patron and the publication. (See also "[Labels and Rating Systems](#)." ) Because restricted materials often feature information that some people consider objectionable, potential library users may be predisposed to think of the materials as objectionable and, therefore, be reluctant to ask for access to them.

Limiting access by relegating materials into physically or virtually restricted or segregated collections or restricting materials by creating age-related, linguistic, economic, psychological, or other barriers violates the Library Bill of Rights. However, some libraries have established restrictive policies to protect their materials from theft or mutilation, or because of statutory authority or institutional mandate. Such policies must be carefully formulated and administered to ensure they do not violate established principles of intellectual freedom. This caution is reflected in ALA policies, such as "[Evaluating Library Collections](#)," "[Free Access to Libraries for Minors](#)," "[Preservation Policy](#)," and the ACRL "[Code of Ethics for Special Collections Librarians](#)."

In keeping with the "[Joint Statement on Access](#)" of the American Library Association and Society of American Archivists, libraries should avoid accepting donor agreements or entering into contracts that impose permanent restrictions on special collections. As stated in the "Joint Statement," it is the responsibility of libraries with such collections "to make available original research materials in its possession on equal terms of access."

All proposals for restricted access collections should be carefully scrutinized to ensure that the purpose is not to suppress a viewpoint or to place a barrier between certain patrons and particular content. A primary goal of the library profession is to facilitate access to all points of view on current and historical issues.

Adopted February 2, 1973, by the ALA Council; amended July 1, 1981; July 3, 1991; July 12, 2000; June 30, 2004.

[ISBN 8389-7552-6]

Reprinted by permission of the American Library Association

## Free Access to Libraries for Minors An Interpretation of the Library Bill of Rights

Library policies and procedures that effectively deny minors equal and equitable access to all library resources available to other users violate the [Library Bill of Rights](#). The American Library Association opposes all attempts to restrict access to library services, materials, and facilities based on the age of library users.

Article V of the *Library Bill of Rights* states, "A person's right to use a library should not be denied or abridged because of origin, age, background, or views." The "right to use a library" includes free access to, and unrestricted use of, all the services, materials, and facilities the library has to offer. Every restriction on access to, and use of, library resources, based solely on the chronological age, educational level, literacy skills, or legal emancipation of users violates Article V.

Libraries are charged with the mission of developing resources to meet the diverse information needs and interests of the communities they serve. Services, materials, and facilities that fulfill the needs and interests of library users at different stages in their personal development are a necessary part of library resources. The needs and interests of each library user, and resources appropriate to meet those needs and interests, must be determined on an individual basis. Librarians cannot predict what resources will best fulfill the needs and interests of any individual user based on a single criterion such as chronological age, educational level, literacy skills, or legal emancipation.

Libraries should not limit the selection and development of library resources simply because minors will have access to them. Institutional self-censorship diminishes the credibility of the library in the community, and restricts access for all library users.

Children and young adults unquestionably possess [First Amendment](#) rights, including the right to receive information in the library. Constitutionally protected speech cannot be suppressed solely to protect children or young adults from ideas or images a legislative body believes to be unsuitable for them.<sup>1</sup> Librarians and library governing bodies should not resort to age restrictions in an effort to avoid actual or anticipated objections, because only a court of law can determine whether material is not constitutionally protected.

The mission, goals, and objectives of libraries cannot authorize librarians or library governing bodies to assume, abrogate, or overrule the rights and responsibilities of parents. As "[Libraries: An American Value](#)" states, "We affirm the responsibility and the right of all parents and guardians to guide their own children's use of the library and its resources and services." Librarians and governing bodies should maintain that parents—and only parents—have the right and the responsibility to restrict the access of their children—and only their children—to library resources. Parents who do not want their children to have access to certain library services, materials, or facilities should so advise their children. Librarians and library governing bodies cannot assume the role of parents or the functions of parental authority in the private relationship between parent and child.

Lack of access to information can be harmful to minors. Librarians and library governing bodies have a public and professional obligation to ensure that all members of the community they serve have free, equal, and equitable access to the entire range of library resources regardless of content, approach, format, or amount of detail. This principle of library service applies equally to all users, minors as well as adults. Librarians and library governing bodies must uphold this principle in order to provide adequate and effective service to minors.

<sup>1</sup>See [Erznoznik v. City of Jacksonville](#), 422 U.S. 205 (1975)-"Speech that is neither obscene as to youths nor subject to some other legitimate proscription cannot be suppressed solely to protect the young from ideas or images that a legislative body thinks unsuitable [422 U.S. 205, 214] for them. In most circumstances, the values protected by the First Amendment are no less applicable when government seeks to control the flow of information to minors. See [Tinker v. Des Moines School Dist.](#), *supra*. Cf. [West Virginia Bd. of Ed. v. Barnette](#), 319 U.S. 624 (1943)."

Adopted June 30, 1972, by the ALA Council; amended July 1, 1981; July 3, 1991, June 30, 2004.

[ISBN 8389-7549-6]

Reprinted by permission of the American Library Association

## Intellectual Freedom Principles for Academic Libraries: An Interpretation of the Library Bill of Rights

A strong intellectual freedom perspective is critical to the development of academic library collections and services that dispassionately meet the education and research needs of a college or university community. The purpose of this statement is to outline how and where intellectual freedom principles fit into an academic library setting, thereby raising consciousness of the intellectual freedom context within which academic librarians work. The following principles should be reflected in all relevant library policy documents.

The general principles set forth in the [\*Library Bill of Rights\*](#) form an indispensable framework for building collections, services, and policies that serve the entire academic community.

The privacy of library users is and must be inviolable. Policies should be in place that maintain confidentiality of library borrowing records and of other information relating to personal use of library information and services.

The development of library collections in support of an institution's instruction and research programs should transcend the personal values of the selector. In the interests of research and learning, it is essential that collections contain materials representing a variety of perspectives on subjects that may be considered controversial.

Preservation and replacement efforts should ensure that balance in library materials is maintained and that controversial materials are not removed from the collections through theft, loss, mutilation, or normal wear and tear. There should be alertness to efforts by special interest groups to bias a collection through systematic theft or mutilation.

Licensing agreements should be consistent with the *Library Bill of Rights*, and should maximize access.

Open and unfiltered access to the Internet should be conveniently available to the academic community in a college or university library. Content filtering devices and content-based restrictions are a contradiction of the academic library mission to further research and learning through exposure to the broadest possible range of ideas and information. Such restrictions are a fundamental violation of intellectual freedom in academic libraries.

Freedom of information and of creative expression should be reflected in library exhibits and in all relevant library policy documents.

Library meeting rooms, research carrels, exhibit spaces, and other facilities should be available to the academic community regardless of research being pursued or subject being discussed. Any restrictions made necessary because of limited availability of space should be based on need, as reflected in library policy, rather than on content of research or discussion.

Whenever possible, library services should be available without charge in order to encourage inquiry. Where charges are necessary, a free or low-cost alternative (e.g., downloading to disc rather than printing) should be available when possible.

A service philosophy should be promoted that affords equal access to information for all in the academic community with no discrimination on the basis of race, values, gender, sexual orientation, cultural or ethnic background, physical or learning disability, economic status, religious beliefs, or views.

A procedure ensuring due process should be in place to deal with requests by those within and outside the academic community for removal or addition of library resources, exhibits, or services.

It is recommended that this statement of principle be endorsed by appropriate institutional governing bodies, including the faculty senate or similar instrument of faculty governance.

Approved by ACRL Board of Directors: June 29, 1999  
Adopted July 12, 2000, by the ALA Council.

from a letter dated November 15, 2000, to Judith F. Krug, director, Office for Intellectual Freedom, from the [American Association of University Professors](#):

A copy of the new ACRL/ALA statement on Intellectual Freedom Principles for Academic Libraries: An Interpretation of the 'Library Bill of Rights' was forwarded to one of our Council members and considered by the AAUP Council in its meeting on November 11, 2000.

The AAUP Council is pleased to endorse the statement, but wishes to preface that endorsement with the following language from the Joint Statement on Faculty Status of College and University Librarians, as contained in AAUP: Policy Documents and Reports, 1995 edition:

“College and university librarians share the professional concerns of faculty members. Academic freedom, for example, is indispensable to librarians, because they are trustees of knowledge with the responsibility of ensuring the availability of information and ideas, no matter how controversial, so that teachers may freely teach and students may freely learn. Moreover, as members of the academic community, librarians should have latitude in the exercise of their professional judgment within the library, a share in shaping policy within the institution, and adequate opportunities for professional development and appropriate reward.”

Please convey to the members of the ACRL Board and ALA Council our concern that college and university librarians are designated the same rights afforded to other faculty in regard to intellectual freedom.

Reprinted by permission of the American Library Association



# Section 7: Ethics

## Code of Ethics of the American Library Association

As members of the American Library Association, we recognize the importance of codifying and making known to the profession and to the general public the ethical principles that guide the work of librarians, other professionals providing information services, library trustees and library staffs.

Ethical dilemmas occur when values are in conflict. The American Library Association Code of Ethics states the values to which we are committed, and embodies the ethical responsibilities of the profession in this changing information environment.

We significantly influence or control the selection, organization, preservation, and dissemination of information. In a political system grounded in an informed citizenry, we are members of a profession explicitly committed to intellectual freedom and the freedom of access to information. We have a special obligation to ensure the free flow of information and ideas to present and future generations.

The principles of this Code are expressed in broad statements to guide ethical decision making. These statements provide a framework; they cannot and do not dictate conduct to cover particular situations.

We provide the highest level of service to all library users through appropriate and usefully organized resources; equitable service policies; equitable access; and accurate, unbiased, and courteous responses to all requests.

We uphold the principles of intellectual freedom and resist all efforts to censor library resources.

We protect each library user's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted.

We recognize and respect intellectual property rights.

We treat co-workers and other colleagues with respect, fairness and good faith, and advocate conditions of employment that safeguard the rights and welfare of all employees of our institutions.

We do not advance private interests at the expense of library users, colleagues, or our employing institutions.

We distinguish between our personal convictions and professional duties and do not allow our personal beliefs to interfere with fair representation of the aims of our institutions or the provision of access to their information resources.

We strive for excellence in the profession by maintaining and enhancing our own knowledge and skills, by encouraging the professional development of co-workers, and by fostering the aspirations of potential members of the profession.

Adopted June 28, 1995, by the ALA Council

Reprinted by permission of the American Library Association

## Dealing with Concerns about Library Resources

As with any public service, libraries receive complaints and expressions of concern. One of the librarian's responsibilities is to handle these complaints in a respectful and fair manner. The complaints that librarians often worry about most are those dealing with library resources or free access policies. The key to successfully handling these complaints is to be sure the library staff and the governing authorities are all knowledgeable about the complaint procedures and their implementation. As normal operating procedure each library should:

*Maintain a materials selection policy.* It should be in written form and approved by the appropriate governing authority. It should apply to all library materials equally.

*Maintain a library service policy.* This should cover registration policies, programming and services in the library that involve access issues.

*Maintain a clearly defined method for handling complaints.* The complaint must be filed in writing and the complainant must be properly identified before action is taken. A decision should be deferred until fully considered by appropriate administrative authority. The process should be followed, whether the complaint originates internally or externally.

*Maintain in-service training.* Conduct periodic in-service training to acquaint staff, administration, and the governing authority with the materials selection policy and library service policy and procedures for handling complaints.

*Maintain lines of communication with civic, religious, educational, and political bodies of the community.* Library board and staff participation in local civic organizations and presentations to these organizations should emphasize the library's selection process and intellectual freedom principles.

*Maintain a vigorous public information program on behalf of intellectual freedom.* Newspapers, radio, and television should be informed of policies governing resource selection and use, and of any special activities pertaining to intellectual freedom.

*Maintain familiarity with any local municipal and state legislation pertaining to intellectual freedom and First Amendment rights.* Following these practices will not preclude receiving complaints from pressure groups or individuals but should provide a base from which to operate when these concerns are expressed. When a complaint is made, follow one or more of the steps listed below:

Listen calmly and courteously to the complaint. Remember the person has a right to express a concern. Use of good communication skills helps many people understand the need for diversity in library collections and the use of library resources. In the event the person is not satisfied, advise the complainant of the library policy and procedures for handling library resource statements of concern. If a person does fill out a form about their concern, make sure a prompt written reply related to the concern is sent.

It is essential to notify the administration and/or the governing authority (library board, etc.) of the complaint and assure them that the library's procedures are being followed. Present full, written information giving the nature of the complaint and identifying the source.

When appropriate, seek the support of the local media. Freedom to read and freedom of the press go hand in hand.

When appropriate, inform local civic organizations of the facts and enlist their support. Meet negative pressure with positive pressure.

Assert the principles of the [\*Library Bill of Rights\*](#) as a professional responsibility. Laws governing obscenity, subversive material and other questionable matter are subject to interpretation by courts. Library resources found to meet the standards set in the materials selection or collection development policy should not be removed or restricted from public access until after an adversary hearing resulting in a final judicial determination.

Contact the [ALA Office for Intellectual Freedom](#) and your [state intellectual freedom committee](#) to inform them of the complaint and to enlist their support and the assistance of other agencies.

The principles and procedures discussed above apply to all kinds of resource related complaints or attempts to censor and are supported by groups such as the National Education Association, the American Civil Liberties Union and the National Council of Teachers of English, as well as the American Library Association. While the practices provide positive means for preparing for and meeting pressure group complaints, they serve the more general purpose of supporting the *Library Bill of Rights*, particularly Article 3, which states that "Libraries should challenge censorship in the fulfillment of the responsibility to provide information and enlightenment."

Office for Intellectual Freedom  
American Library Association  
50 E. Huron Street  
Chicago, IL 60611  
312/280-4223  
[oif@ala.org](mailto:oif@ala.org)

Revised by the Intellectual Freedom Committee, January 12, 1983; November 17, 2000

(ISBN 8389-6487-7)

Reprinted by permission of the American Library Association



# Appendix

## Office for Intellectual Freedom Challenge Database Form

TO: Colleagues

FROM: [Nanette Perez](#), Program Coordinator, Office for Intellectual Freedom

Please complete the [online Challenge Database form](#) below, or send a completed Challenge Database form ([PDF version](#), [.RTF version](#), or [.DOC version](#)) to [Nanette Perez](#), Office for Intellectual Freedom, American Library Association, 50 E. Huron St., Chicago, IL 60611.

PLEASE NOTE: THIS INFORMATION IS FOR STATISTICAL USE ONLY. NAMES OF INDIVIDUALS AND INSTITUTIONS ARE KEPT CONFIDENTIAL. Please feel free to send us news clippings or other supporting material. Send to: Nanette Perez, Office for Intellectual Freedom, 50 East Huron Street, Chicago, IL 60611.

For assistance with actual and possible challenges to books, Internet access, magazines, and other library materials, you also may contact [Nanette Perez](#) at 800-545-2433, ext. 4223, or [nperez@ala.org](mailto:nperez@ala.org)

Thank you!

FORM AVAILABLE AT:

<http://www.ala.org/ala/oif/challengesupport/reporting/challengedatabaseform.html>

Or

[http://www.ala.org/ala/oif/challengesupport/reporting/challengedatabaseform\\_2003.pdf](http://www.ala.org/ala/oif/challengesupport/reporting/challengedatabaseform_2003.pdf)

Reprinted by permission of the American Library Association

# Checklist & Ideas for Library Staff Working with Community Leaders

## Local Library Board of Trustees

Develop an educational session on intellectual freedom to orient new Board members as they are elected. Include:

- Overview of the role of libraries in democracy

## [American Library Basics](#)

- Discuss basic First Amendment principles

## [Intellectual Freedom Q & A](#)

- Highlight laws and legislation relevant to libraries and intellectual freedom

## [Notable First Amendment Cases](#)

## [Legal Memoranda to the Freedom to Read Foundation](#)

- Explain the role of the Board, to:
- Work with the Library Director to ensure that the necessary policies are in place and that they are reviewed regularly and thoroughly
- Review and affirm the library's selection policy annually and make sure it is followed carefully
- Be an effective advocate for the library. Use your contacts in the community to educate and mobilize others in support of the library
- Bring what you hear back to the Library Director
- Distribute copies of key documents:
  - [The Library Bill of Rights](#)
  - [Libraries: An American Value](#)
  - [ALA Libraries & the Internet Toolkit](#)
  - [Intellectual Freedom Manual](#)
  - [Libraries, the First Amendment, and Cyberspace: What You Need to Know](#) by Robert Peck
- Present an orientation to the Internet. Include:

## [Filters and Filtering](#)

- What is the Internet?
- How is it useful?
- Explain your Internet use policy
- Address Internet filters, what they are and how they work

- Update the Board regularly with local and national news clippings, include Internet success stories, pending legislation, court cases, etc.
- Distribute information on educational programs
- Encourage [personal/institutional membership in ALA](#) and the [Freedom to Read Foundation](#)
- Provide subscription to [The Newsletter on Intellectual Freedom](#) for the Board
- Supply suggested reading lists on intellectual freedom issues from professional journals and [books](#) (e.g., *Libraries, Access, and Intellectual Freedom* by Barbara M. Jones; *Libraries, The First Amendment and Cyberspace*, by Robert S. Peck; *Protecting the Right to Read* by Ann K. Symons and Charles Harmon; bibliographies found in the *Newsletter on Intellectual Freedom*)

#### Friends of the Library

- Prepare an orientation on intellectual freedom issues in libraries:
- Overview of the role of libraries in democracy

#### [American Library Basics](#)

- Highlight basic First Amendment principles

#### [Intellectual Freedom Q & A](#)

- Explain the role of [Friends](#) vs. the role of the Board
- Distribute copies of key intellectual freedom documents:
- [The Library Bill of Rights](#)
- [Intellectual Freedom Q & A](#)
- Provide bibliographies of suggested reading on intellectual freedom

#### [The Newsletter on Intellectual Freedom](#)

- Prepare orientation to the Internet for Friends officers

#### [Filters and Filtering](#)

- What is the Internet?
- How is it useful?
- Explain your Internet use policy
- Address Internet filters, what they are and how they work
- Demonstrate the value of the Internet at Friends events
- Provide updates on local news of interest, include Internet successes and relevant legislation

## Elected/Appointed Officials and their Staffs/Administration of Academic Institutions and their Staffs

- Provide Internet demonstrations, tailor examples to information that is relevant to their jobs and responsibilities
- Build relationships by offering to train staff on topics of expertise (e.g., how to conduct a reference interview -and discover what your clients really want!)
- Orient to [legal issues pertaining to intellectual freedom](#), include national and local laws, and relevant legislation
- Provide [legal updates on intellectual freedom cases](#) in other jurisdictions
- Encourage institutional memberships in ALA, FTRF, state and regional library associations
- Offer library support for their information needs
- Prepare and distribute packets of library statistics that demonstrate the value of the library to the community (e.g., patrons per day, Internet sessions per day, reference counts, etc.)

## Local Media

- Offer library support for information needs
- Invite to Friends orientation sessions/Internet demonstrations
- Provide updates on intellectual freedom legal issues
- Provide updates on local events, role of library in community
- Submit [op-ed pieces](#)
- Invite to open houses/library tours

## Local Citizen Groups and Potential Allies (e.g., ministerial associations, civic groups, ACLU, local educators, university professors, service clubs)

- Offer library support for information needs
- Invite to Friends orientation sessions/Internet demonstrations
- Offer to be or provide a speaker for club meetings
- Update on local intellectual freedom issues, including Internet successes and pending legislation
- Recruit potential members of the Board of Trustees of Friends Board from these groups

ALA [American Library Association](#) © 2003

Reprinted by permission of the American Library Association

# Guidelines and Considerations for Developing a Public Library Internet Use Policy

## American Library Association

ALA urges any library using mandatory filtering software to consult with legal counsel to reevaluate their Internet Use Policy and assess the risk of future litigation.

### Intellectual Freedom's Meaning and Scope

Libraries are a major information source in our society for access to the larger world of human expression. For some, they are the only available access point. Libraries connect individuals with the ideas, information, and images they seek. Libraries that raise barriers to access damage their credibility with their users.

By providing information across the spectrum of human interests, and making them available and accessible to anyone who wants them, libraries allow individuals to exercise their [First Amendment](#) right to seek and receive all types of expression, from all points of view. Materials in any given library cover the spectrum of human experience and thought, even those that some people may consider false, offensive, or dangerous.

In the millions of Web sites available on the Internet, there are some—often loosely called “pornography”—that parents, or adults generally, do not want children to see. A very small fraction of those sexually explicit materials is actual obscenity or child pornography, which are not constitutionally protected. The rest, like the overwhelming majority of materials on the Internet, is protected by the First Amendment.

Obscenity and child pornography are illegal. Federal and state statutes, the latter varying slightly depending on the jurisdiction, proscribe such materials. The U.S. Supreme Court has settled most questions about what obscenity and child pornography statutes are constitutionally sound.

According to the Court:

Obscenity must be determined using a three-part test. To be obscene, (1) the average person, applying contemporary community standards, must find that the work, taken as a whole, appeals to prurient interests; (2) the work must depict or describe, in a patently offensive way, sexual conduct as specified in the applicable statutes; and (3) the work, taken as a whole, must lack serious literary, artistic, political, or scientific value.

Child pornography may be determined using a slightly less rigorous test. To be child pornography, the work must involve depictions of sexual conduct specified in the applicable statutes and use images of children below a specified age.

Many states and some localities have “harmful to minors” laws. These laws regulate free speech with respect to minors, typically forbidding the display or dissemination of certain sexually explicit materials to children, as further specified in the laws.

According to the U.S. Supreme Court:

Materials “harmful to minors” include descriptions or representations of nudity, sexual conduct, or sexual excitement that appeal to the prurient, shameful, or morbid interest of minors; are patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and lack serious literary, artistic, political, or scientific value for minors.

Knowing what materials are actually obscenity or child pornography is difficult, as is knowing, when minors are involved, and what materials are actually “harmful to minors.” The applicable statutes and laws, together with the written decisions of courts that have applied them in actual cases, are the only official guides. Libraries and librarians are not in a position to make those decisions for library users or for citizens generally. Only courts have constitutional authority to determine, in accordance with due process, what materials are obscenity, child pornography, or “harmful to minors.”

Obscenity and child pornography statutes apply to materials on the Internet; such materials are currently being regulated there. The applicability of particular “harmful to minors” laws to materials on the Internet is unsettled, however. Because of the uncertainty, various federal and state legislative proposals are pending specifically to “protect” children from sexually explicit materials on the Internet.

#### Intellectual Freedom’s First Amendment Foundations

Courts have held that the public library is a “limited public forum.” “Limited” means it is a place for access to free and open communication, subject to reasonable restrictions as to the time, place, and manner for doing so. As with any public forum the government has opened for people to use for communication, the First Amendment protects people’s right to use the forum without the government interfering with what is communicated there. This is the very essence of the Constitution’s guarantee of freedom of speech.

In a public forum, the government is prohibited from exercising discrimination with respect to the content of communication, unless the government demonstrates that the restriction is necessary to achieve a “compelling” government interest and there is no less restrictive alternative for achieving that interest. This means public libraries cannot exclude books about abortion just because they discuss the subject of abortion. That would be discrimination with respect to content. Books can be selected on the basis of content-neutral criteria such as the quality of the writing, their position on best-seller lists, the presence or absence of other materials in the collection related to certain time periods or historical figures, and the like; they can be deselected on the basis of wear and tear, the availability of more current materials, and similar criteria. Libraries, however, cannot deliberately suppress the record of human thought on a particular subject or topic.

Internet filters are mechanisms designed to discriminate with respect to the content of communication. Filters are incapable of doing what computer software engineers have designed

them to do—typically, to block only “hard-core pornography” and other “offensive” sites on the Internet. But even at their hypothetical best, mechanisms to screen and block content on the Internet exclude far more than just obscenity and child pornography. They exclude a wide range of sexually explicit materials protected under the Constitution. For instance, materials that depict homosexual relations, variations on conventional heterosexuality, and even nudity and heterosexual relations channeled toward reproduction and family life represent distinct subjects or topics. Their suppression is discrimination with respect to the content of communication.

The rapid expansion of Web sites on the Internet and the sheer impossibility of keeping up with this growth are factors that limit the reliability of filtering devices. Neither humans nor machines are capable of processing and reviewing everything available, with the result that filters will block some materials while other equivalent materials will remain unblocked.

Moreover, there is legal precedent that suggests that government agencies like libraries cannot adopt and enforce private rating schemes. When libraries restrict access based on content ratings developed and applied by a filtering vendor, sometimes with no knowledge of how these ratings are applied or what sites have been restricted, they are delegating their public responsibility to a private agency.

Filtering and other means to block content on the Internet only can be utilized if the government—in this case, the public library—can demonstrate both that the need is compelling and that the method chosen to achieve the purpose is the least restrictive method possible. The lawsuit brought by the American Library Association—American Library Ass’n v. United States Department of Justice, consolidated with and decided by the U.S. Supreme Court under the name of Reno v. American Civil Liberties Union—invalidated the provisions of the Communications Decency Act of 1996 that criminalized “indecent” and “patently offensive” electronic communication. The Court did so on the ground that those provisions, suppressing speech addressed to adults, reduced the entire population only to what is fit for children. It recognized “the governmental interest in protecting children from harmful materials,” but found that less restrictive means were available to achieve that interest. In the context of limiting or avoiding children’s exposure to possibly “harmful” materials on library computers with Internet access, less restrictive means than the use of filters are available.

It is well documented that filtering software is over-inclusive, blocking not only sites that may have sexual content, strong language, or unconventional ideas considered harmful or offensive—but also sites having no controversial content whatsoever. This over-inclusive blocking violates the First Amendment rights of youth and children, as well as adults, to access constitutionally protected materials. In the context of limiting or avoiding children’s exposure to possibly “harmful” materials on library computers with Internet access, less restrictive means than the use of filters are available.

Adults’ reading cannot be reduced to the level of what is fit for children, and the public library, therefore, cannot restrict them to Internet-access computers with filtering software. Young adults and children also have First Amendment rights, although such rights are variable, depending on the age of the minor and other factors, including maturity, not yet settled in the law. Even though minors’ First Amendment rights are not as extensive as those of adults, the public library cannot restrict them solely to computers with filtering software. This is why libraries advocate that

parents guide their children's use of the Internet. Only unfiltered Internet access accommodates both parental guidance and sensitive recognition of the First Amendment rights of young people.

Librarians and the strength of their commitment to professional standards and values assure that, at least through the public library, the least restrictive means available to achieve the government's interest in protecting children will be implemented.

#### Specific Internet Use Policy Provisions

The position of the American Library Association is set forth in several documents adopted by the Council, its governing body. The [\*Interpretation of the Library Bill of Rights\*](#) entitled [\*Access to Electronic Information, Services, and Networks\*](#) calls for free and unfettered access to the Internet for any library user, regardless of age. The [\*Resolution on the Use of Filtering Software in Libraries\*](#) and the [\*Statement on Library Use of Filtering Software\*](#) reiterate the U.S. Supreme Court's declaration in [\*Reno v. American Civil Liberties Union\*](#) that the Internet is a forum of free expression deserving full constitutional protection. The *Resolution* and *Statement* condemn as a violation of the [\*Library Bill of Rights\*](#) any use of filtering software by libraries that blocks access to constitutionally protected speech.

Consistent with these policies, which collectively embody the library profession's understanding of First Amendment constraints on library Internet use, the [\*Intellectual Freedom Committee\*](#) offers guidelines to public libraries, as follows:

Adopt a comprehensive, written Internet use policy that, among other things should:

sets forth reasonable time, place, and manner restrictions;

expressly prohibit any use of library equipment to access material that is obscene, child pornography, or "harmful to minors" (consistent with any applicable state or local law);

provide for the privacy of users with respect to public terminals; and

protect the confidentiality of records, electronic or otherwise, that identify individual users and link them to search strategies, sites accessed, or other specific data about the information they retrieved or sought to retrieve.

Communicate the relevant policies for use of Internet-access computers to all library users, and include the parents of children who may use the library without direct parental supervision. Do so in a clear and conspicuous manner sufficient to alert library users that filtering software is not utilized.

Post notices at all Internet-access computers that use of library equipment to access the illegal materials specified in the Internet use policy is prohibited.

Offer a variety of programs, at convenient times, to educate library users, including parents and children, on the use of the Internet. Publicize them widely.

Offer library users recommended Internet sites. For youth and children, especially, offer them, according to age group, direct links to sites with educational and other types of material best suited to their typical needs and interests (e.g., the American Library Association's [\*700+ Great\*](#)

[Sites for Kids and the Adults Who Care About Them](#) and its Internet guide for young adults, [TEENHoopla](#)).

Samples of Internet Use Policies are located on the Office for Intellectual Freedom's Web page, "Internet Use Policies," at [www.ala.org/alaorg/oif/internetusepolicies.html](http://www.ala.org/alaorg/oif/internetusepolicies.html).

### Answers to Objections

Various metaphors have been offered, both by opponents of free and open access in libraries, as well as proponents, to explain the use of the Internet in libraries and the impact of filtering software. Two metaphors offered by opponents and the arguments built around them deserve close examination:

The "selection" metaphor. Filtering Internet resources is tantamount to selecting materials in a library. Since libraries, opponents of unfettered Internet access say, are not constrained to select any particular materials for their collections, filtering is constitutionally unobjectionable.

This metaphor is faulty. Filtering the Internet is not selecting materials. The only selection decisions involved in use of the Internet in libraries are those as to whether, for instance, the World Wide Web will be offered with other tools based on special Internet protocols, e.g., *ftp* (file transfer protocol) or *telnet*. Selecting the World Wide Web for the library means selecting the entire resource, just as selecting *Time* means selecting the entire magazine. A library cannot select *Time* and then decide to redact or rip out the pages constituting the "American Scene" feature or the "Washington Diary." That would be censorship. It is the same with the World Wide Web. It is not an accident of terminology that the Web consists of a vast number of Web *pages* and that browser software permits the user to *bookmark* those that are interesting or useful.

The "interlibrary loan" metaphor. Internet access is tantamount to interlibrary loan service. Typing a Web site URL into a browser's location entry box and pressing the "Enter" key amounts to an interlibrary loan request that the library, opponents of unfettered access say, is free to deny.

This metaphor is faulty, too. Far more frequently than typing and entering URLs, surfers of the World Wide Web click on hot links for automatic access to the Web pages they wish to see. More significantly, absent financial constraints, any public library true to its function as a public forum makes available to users any constitutionally protected material, whether that means locating the material within the library itself or obtaining it elsewhere through interlibrary loan.

As articulated by the U.S. Supreme Court in the American Library Association case culminating in [Reno v. American Civil Liberties Union](#), the Internet represents a vast library. It is a virtual library already present within any public library that selects Internet access. The fundamental First Amendment question is: given the free availability of a near-infinite range of content on the Internet, can the library ever deliberately deprive a library user of the constitutionally protected materials he or she seeks? The emphatic answer of the librarian informed by principles of intellectual freedom is: absolutely not.

But what about obscenity and child pornography, as well as, when minors are involved, materials "harmful to minors"?

As for obscenity and child pornography, prosecutors and police have adequate tools to enforce criminal laws. Libraries are not a component of law enforcement efforts naturally directed toward the source, i.e., the publishers, of such material.

As for materials “harmful to minors,” it is true that, in some jurisdictions, libraries that choose not to utilize filtering or other means to block content on the Internet may find themselves in a “bind”; under some circumstances, they may be subject to liability under “harmful to minors” laws.

Libraries should be cautioned that laws differ from state to state, and they should seek advice on laws applicable in their jurisdiction from counsel versed in First Amendment principles. In particular, they should determine whether any “harmful to minors” law applies to materials available at the library, either through Internet access or otherwise. They should specifically inquire whether they are expressly exempt from the particular “harmful to minors” laws in their jurisdiction, as libraries frequently are.

Moreover, libraries should be aware that the legal framework and context of regulation is rapidly changing; federal, state, and local governments have begun to legislate specifically in the area of library Internet use. Libraries should actively oppose proposed legislation that exposes them to new liabilities and negatively impacts intellectual freedom. As always, they should be vigilant about new regulations of free speech.

For information on filtering and other legal issues affecting libraries, see the Freedom to Read Foundation’s Web page, “Memoranda to Freedom to Read Foundation from Jenner & Block” (its legal counsel) at [www.ftf.org/memos\\_jb.html](http://www.ftf.org/memos_jb.html), and the Office for Intellectual Freedom’s Web page, “Filters and Filtering,” at [www.ala.org/alaorg/oif/filtersandfiltering.html](http://www.ala.org/alaorg/oif/filtersandfiltering.html).

---

**Issued June 1998; rev. November 2000**

Reprinted by permission of the American Library Association

## JCPSNet Student Acceptable Use Policy

Jefferson County Public Schools (JCPS) offers students access to electronic information through a service called JCPSNet. Along with this access to computers and to people all over the world comes the availability of materials that may not be considered appropriate for use in the classroom. Because it is impossible to control all materials available through the global network, school staff and parents/guardians of minors are ultimately responsible for setting and conveying the standards that students should follow when using these information resources. JCPS supports each family's right to decide whether or not to allow their child to have access.

*Access is a privilege, not a right.*

Students are responsible for appropriate behavior when using JCPS-Net, just as they are in classrooms and school hallways. Therefore, general school rules for behavior apply. Access to network services is offered to students who agree to act in a considerate and responsible manner, and parent permission is required. Based upon the acceptable use guidelines outlined in this document, the system administrators will deem what is inappropriate use, and their decisions are final. The administration and staff may revoke or suspend user access when these terms are violated.

Students will:

- complete JCPS provided email training for those seeking an account;
- use the network for educational purposes such as conducting research for assignments consistent with the JCPS academic expectations; and
- use appropriate language, avoiding swearing, vulgarities, or abusive language.

Students will NOT:

- transmit or receive materials in violation of federal or state laws or regulations pertaining to copyrighted, threatening or obscene materials, including sexually explicit materials;
- use JCPSNet for personal or commercial activities, product promotion, political lobbying, or illegal activities;
- break into/attempt to break into another computer network;
- damage/attempt to damage, move, or remove software, hardware or files;
- use unauthorized multi-user games;
- send or forward chain letters;
- use unauthorized software products (such as PointCast) which adversely affect network performance;
- create or share computer viruses;

share access to their JCPSNet account, or use another person's account;  
maliciously attempt to harm or destroy data of another user; or,  
use network resources to otherwise violate the JCPS Student Code of Conduct.

JCPSNet communications are not private, and may be reviewed by JCPS personnel, or by someone appointed by them, to ensure that all guidelines are followed. Violation of the terms listed above will result in a loss of access to JCPSNet, and may result in other disciplinary action under the guidelines of the JCPS Uniform Code of Student Conduct. Use of public property for personal gain is a felony. Violators or parents of student violators may be subject to prosecution.

---

JCPSNet Student Acceptable Use Policy  
User Agreement Form

Please complete this section to indicate that you agree with the terms and conditions outlined in the JCPSNet Student Acceptable Use Policy. Return this portion to your child's school, where a copy will remain on file. The signatures of both the student and parent/guardian are required before access to JCPSNet services is granted .

As a student of the Jefferson County Public Schools and as a user of the district computer network, I have read and hereby agree to comply with the JCPSNet Acceptable Use Policy.

Student Signature: \_\_\_\_\_ Student Name (please  
print): \_\_\_\_\_

School: \_\_\_\_\_ Date: \_\_\_\_\_

As parent/legal guardian of this student, I grant permission for my child to access the Internet and electronic mail through JCPSNet, and accept responsibility for conveying to my child the standards outlined above for use of JCPSNet.

Parent/Guardian Signature: \_\_\_\_\_ Parent/Guardian Name (please  
print): \_\_\_\_\_

Equal Opportunity/Affirmative Action Employer Offering Equal Educational Opportunities  
Revised 4/18/00 Computer Education Support Unit

## JCPSNet Employee Acceptable Use Policy

Jefferson County Public Schools (JCPS) offers employees access to electronic mail and the Internet. This service, called JCPSNet, is provided to assist employees in carrying out the educational business of Jefferson County Public Schools, conducting research, and communicating with others in regard to school work. Along with this access comes the availability of materials that may not be considered appropriate for use in the workplace. Because it is impossible to control all materials available through the global network, each employee is ultimately responsible for observing the JCPS standards outlined below, as well as other applicable school and district rules for behavior and communications.

*Access is a privilege, not a right.*

Access to this shared resource is given to employees who agree to utilize JCPS-Net to support the educational business of JCPS and to act in a considerate and responsible manner.

Employees will:

use the network for the educational business of JCPS such as conducting research and communicating with others in regard to school business; and,

use appropriate language, avoiding swearing, vulgarities, or abusive language.

Employees will NOT:

transmit or receive materials in violation of federal or state laws or regulations pertaining to copyrighted, threatening or obscene materials, including sexually explicit materials;

use JCPSNet for personal or commercial activities, product promotion, political lobbying, or illegal activities;

break into/attempt to break into another computer network;

damage/attempt to damage, move, or remove software, hardware or files;

use unauthorized multi-user games;

send or forward chain letters;

use unauthorized software products (such as PointCast) which adversely affect network performance;

create or share computer viruses;

share access to their JCPSNet account, or use another person's account; or,

maliciously attempt to harm or destroy data of another user.

JCPSNet communications are not private, and may be reviewed by JCPS personnel, or by someone appointed by them, to ensure that all guidelines are followed. Violation of the terms listed above will result in a loss of access to JCPSNet, and may result in other disciplinary or

legal action. Use of public property for personal gain is a felony. Violators may be subject to prosecution.

---

JCPSNet Employee Acceptable Use Policy  
User Agreement Form

Please complete this section to indicate that you agree with the terms and conditions outlined in the JCPSNet Employee Acceptable Use Policy. Return this portion to your supervisor, who is required to maintain a copy on file. Your signature is required before access to JCPSNet services is granted .

As an employee of the Jefferson County Public Schools and as a user of the district computer network, I have read and hereby agree to comply with the JCPSNet Acceptable Use Policy.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full Name (please print): \_\_\_\_\_ Work Location:

\_\_\_\_\_

Equal Opportunity/Affirmative Action Employer Offering Equal Educational Opportunities  
Revised 7/20/00 Computer Education Support Unit

## Sample Request for Reconsideration of Library Resources

*[This is where you identify who in your own structure, has authorized use of this form—Director, Board of Trustees, Board of Education, etc.—and to whom to return the form.]*

*Example:* The school board of Mainstream County, U.S.A., has delegated the responsibility for selection and evaluation of library/educational resources to the school library media specialist/curriculum committee, and has established reconsideration procedures to address concerns about those resources. Completion of this form is the first step in those procedures. If you wish to request reconsideration of school or library resources, please return the completed form to the Coordinator of Library Media Resources, Mainstream School Dist., 1 Mainstream Plaza, Anytown, U.S.A.

Name \_\_\_\_\_

Date \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_

Zip \_\_\_\_\_

Phone \_\_\_\_\_

Do you represent self?  Organization?

Resource on which you are commenting:

Book  Textbook  Video  Display

Magazine  Library Program  Audio Recording

Newspaper  Electronic information/network (please specify)

Other \_\_\_\_\_

Title \_\_\_\_\_

Author/Producer \_\_\_\_\_

What brought this resource to your attention?

Have you examined the entire resource?

What concerns you about the resource? (use other side or additional pages if necessary)

Are there resource(s) you suggest to provide additional information and/or other viewpoints on this topic?

Revised by the American Library Association Intellectual Freedom Committee  
June 27, 1995

Reprinted by Permission of the American Library Association.

## Organizations to Contact

### **Kentucky Library Association**

1501 Twilight Trail  
Frankfort, KY 40601  
(502) 223-5322  
[www.kylibasn.org](http://www.kylibasn.org)

### **Kentucky Department for Libraries and Archives**

300 Coffee Tree Road  
Frankfort, KY 40601  
(502) 564-8300  
[www.kdla.ky.gov](http://www.kdla.ky.gov)

### **ACLU of Kentucky**

315 Guthrie Street, Suite 300  
Louisville, KY 40202  
(502) 581-1181  
[www.aclu-ky.org](http://www.aclu-ky.org)

### **People for the American Way**

2000 M Street, NW  
Suite 400  
Washington, DC 20036  
(202) 467-4999  
[www.pfaw.org](http://www.pfaw.org)

### **Office for Intellectual Freedom American Library Association**

50 East Huron Street  
Chicago, IL 60611  
(800) 545-2433 x4223  
[www.ala.org/oif](http://www.ala.org/oif)

### **National Coalition Against Censorship**

275 7<sup>th</sup> Avenue  
New York, NY 10001  
(212) 807-6222  
[www.ncac.org](http://www.ncac.org)

## Acknowledgements

The Intellectual Freedom Subcommittee of the Kentucky Library Association, Member Services Committee would like to acknowledge the work of the previous committees who worked on this manual.

### **Intellectual Freedom Subcommittee: 2003**

Chairperson: Fannie M. Cox, Coordinator Electronic Resources Librarian, University of Louisville

Beth Kraemer, Electronic Resources Librarian, University of Kentucky

Jill D. Sherman, Head of Acquisitions, Kornhauser Medical Library, University of Louisville

Pat Wilson, William T. Young Library, University of Kentucky

Cover Design Courtesy of Jill D. Sherman, Head of Acquisitions, Kornhauser Medical Library, University of Louisville

### **Intellectual Freedom Committee: 1996**

Chairperson: Carolyn Murphy, Coordinator, Media Services, Fayette County Schools

Shela Diamond, Library Media Specialist, Oldham County High School

Geneva Pullen, Manager of Extension Services, Lexington Public Library

Elaine Steinberg, Director, Media Center, St. Xavier High School, Louisville

## Kentucky Library Association Intellectual Freedom Award

Intellectual Freedom, as defined by the American Library Association, is "... the right of every individual to both seek and receive information from all points of view without restriction. It provides for free access to all expressions of ideas through which any and all sides of a question, cause or movement may be explored. Intellectual freedom encompasses the freedom to hold, receive and disseminate ideas."

The Kentucky Library Association Intellectual Freedom Award was established to recognize the contribution of an individual or group who has actively promoted intellectual freedom in Kentucky. The Award, which will consist of a plaque from the Association, will be presented at the Awards Program during the Annual Conference.

The Intellectual Freedom Subcommittee of the Members Services Committee will receive nominations from any Kentuckian by September 1st. This Subcommittee will review all nominations and make a recommendation to the KLA Executive Committee prior to the Board meeting before the Annual Conference.

### Criteria:

- Role played in actively promoting intellectual freedom in the sphere of influence and beyond.
- Degree to which the nominee(s) has exemplified the spirit of intellectual freedom.
- The effect of efforts to promote intellectual freedom and challenge censorship.

Nominations should be as well-documented as possible. Evidence in support of nominee may include:

- Published articles and/or letters
- Documentation of workshops, speeches, and testimony
- Letters of recommendation
- Pertinent written policies and procedures.
- Any other relevant information which further clarifies the nominee's role in promoting intellectual freedom.

Please submit nominations by September 1<sup>st</sup> to:

Kentucky Library Association  
Intellectual Freedom Subcommittee  
1501 Twilight Trail  
Frankfort, KY 40601