United for Libraries
Association of Library Trustees, Advocates, Friends and Foundations
A division of the American Library Association

The Role of Library Trustees

It is not uncommon for the role of the Friends and the role of the public library Trustees to become confused. What authority and responsibilities do the Friends have? What is the role of the Trustees? Should an individual serve on both boards? If either of these groups is unsure of the limits of their respective authorities, conflicts can, and often do, arise. Fact Sheets 10 and 11 outline the roles of the Trustees and the role of the Friends, specifically indicating where their work and communication should overlap or complement each other.

There are typically two types of Trustee Boards - a) a governing board or b) an advisory board.

The Governing Board is either elected by the general population or is appointed by the city or town's elected council. This type of board has full authority over the governance of the library. This Board hires the library director, sets policy, and works closely with the director in establishing and presenting the library's budget to the city.

The Advisory Board typically exists where the library is a city or county department, the library director is hired by the city or county, and the library director reports directly to the city/county manager or mayor. The Advisory Board typically has no

governing authority though it may be an appointed or elected Board. By law in most states, this board still has responsibility for assisting with policy setting, but does not have responsibility for the budget or the direct oversight of the library director.

In both cases, the library Board of Trustees engages in the development of policies that govern library services.

In both cases, the library Board of Trustees works with the library administration in planning and goal setting for the library.

In both cases, the library Board of Trustees should meet at least monthly with the library administration in an open meeting where a Friends liaison should be

present and have an opportunity on the agenda to update the Board of Trustees on the Friends' activities.

In both cases, all members of a library Board of Trustees should become personal members of the Friends at the highest level they are able.

Individually and collectively, Trustees should act as advocates of libraries and present the library point of view to their locally- and nationally-elected legislators and leaders.

At least yearly, the library board should plan a joint meeting to discuss mutual concerns with Friends. This can be done in conjunction with a breakfast or dinner meeting.

Should a member of the library Board of Trustees also serve as a member of the Friends of the Library Board? The generally accepted wisdom is "no." There are a number of reasons for this:

continued

The Role of Library Trustees, continued

It can imbue a single member with more power and authority than his or her peers on each of the boards.

There can be a perceived conflict if a member of the policy making Board is also in a decision making role on the Friends Board that helps fund the library's services.

There can be a potential conflict of interest when a policy the library Board of Trustees is proposing might not be considered to be in the best interest of the Friends. For example, deciding to give discarded library materials to an outsourced agency or proposing the establishment of a foundation for fundraising.

Even if your Trustee board and Friends board are working in perfect harmony right now, no precedent should be set that will allow possible conflicts in the future. Though it is the case that a Trustee Board member may take a leadership role in creating a new Friends group and therefore have a decision making role in both for awhile; this should be considered a temporary necessity and the new Friends should elect officers (other than library Trustees) as soon as possible.

Additional Resources

Tip Sheets

The Role of the Friends Board

Toolkits

Friends and Libraries: Working Effectively Together

Publications

101+ Great Ideas for Libraries and Friends (chapter on Organizational Effectiveness)

Webinars/Training

Short Takes for Trustees: Working with Friends

Other

Understanding Roles: The Separate But Complementary Roles of Friends, Trustees, and Library Directors

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Public Library Trustee Ethics Statement

Official Statement from United for Libraries

Public library Trustees are accountable for the resources of the library as well as to see that the library provides the best possible service to its community. Every Trustee makes a personal commitment to contribute the time and energy to faithfully carry out his/her duties and responsibilities effectively and with absolute truth, honor and integrity.

- Trustees shall respect the opinions of their colleagues and not be critical or disrespectful when they disagree or oppose a viewpoint different than their own.
- Trustees shall comply with all the laws, rules and regulations that apply to them and to their library.
- Trustees, in fulfilling their responsibilities, shall not be swayed by partisan interests, public pressure or fear of criticism.
- Trustees shall not engage in discrimination of any kind and shall uphold library patrons' rights to privacy in the use of library resources.
- Trustees must distinguish clearly in their actions and statements between their personal philosophies and attitudes and those of the library, acknowledging and supporting the formal position of the Board even if they disagree.
- Trustees must respect the confidential nature of library business and not disclose such information to anyone. Trustees must also be aware of and in compliance with Freedom of Information laws
- Trustees must avoid situations in which personal interests might be served or financial benefits gained as a result of their position or access to privileged library information, for either themselves or others.
- A Trustee shall immediately disqualify him/herself whenever the appearance of or a conflict of interest exists.
- Trustees shall not use their position to gain unwarranted privileges or advantages for themselves or others from the library or from those who do business with the library.
- Trustees shall not interfere with the management responsibilities of the director or the supervision of library staff.
- Trustees shall support the efforts of librarians in resisting censorship of library materials by groups or individuals.

Approved by the United for Libraries Board in January 2012

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Materials Challenges: Key Library Policies to Review and Revise

Policies play an important role in supporting the operations of a public library. While some policies, such as certain employment, financial, and circulation policies may be legally required by state or federal law, most library policies are created by library directors and boards to ensure that the library legally fulfills its mission of providing access to information for the members of the community while also ensuring a safe and legal workplace for the librarians and staff that work there.

Legal and well-constructed policies play an especially important role when a library is involved in a conflict, such as when programming, services or materials are questioned or challenged.

This tip sheet will review the key components of well-constructed and legal policies and will describe the policies that a library should review and/or implement to prepare for the possibility of a materials challenge.

Creating Policies

To avoid legal challenges to a policy, uneven application (which could result in a discrimination claim), or confusion among staff or patrons as to how a policy is to be applied, a library should ensure that every policy contains the components listed below, and, that they are regularly reviewed by the library's attorney. Additional information for crafting good library policies can be found in the ALA's Guidelines for Library Policies.

Five Components of Well-Constructed Library Policies

- They are **legal** - meaning they are **compliant with applicable laws and regulations.**
- They are **clear** - meaning the policy is **easy to understand and follow.**
- They are **enforceable** - so there is a **way to determine infractions and clearly determine compliance vs. non-compliance.**
- They are **content neutral** - this means they **do not take into account protected characteristics or information subjects. Policies cannot limit the use of library resources by belief, faith, criminal past, etc.**
- They include **due process, which includes the steps of notice, investigation, and appeal** - Policies must

Materials Challenges: Key Library Policies to Review and Revise, continued

be **posted or available** to those who must follow them, alleged violators must be advised of the policy infringed, **violators must be able to appeal decisions and/or punishment** to the library board.

- They are **properly implemented:**
  - **Regular training** for those expected to enforce the policies.
    - Training on DEI-informed enforcement.
    - Explanations of the goals and purposes of each policy.
    - Explanations of staff roles and responsibilities with regards to enforcement (including how library's separate security personnel (if applicable) affect enforcement).
    - Training on de-escalation techniques.
    - Training on conflict communication.
  - **Regular review** of policies so they remain relevant and appropriate.

Policies Crucial for Facing Materials Challenges

Although all library policies can be crucial, when preparing for or facing a materials challenge, some policies are particularly important to review, revise, and/or implement:

- **Collection Development Policy** - This policy governs the procedure by which a library selects materials. A good policy demonstrates that a library chooses materials according to a carefully thought-out plan and process using authoritative sources and professional expertise rather than political or personal priorities and illustrate the long-held library tenet that libraries should offer a variety of resources on multiple perspectives of any subject.

North Dakota State Library Collection Development and Management Libguides page: https://library-nd.libguides.com/cd/overview
Indiana State Library Collection Development page: https://www.in.gov/library/services-for-libraries/ldoresources/public-library-policies/collection-development/
South Carolina State Library DEI Collection Development Guide https://guides.statelibrary.sc.gov/inclusion/collections

- **Materials Challenge Policy** - Provides procedure and guidance on how a library will manage a challenge or an opposition to a material, program or service. Policy should be clear about how a complaint or challenge must be submitted to the library; who makes final determination about challenge; and, include a procedure for appeal. Policy should also include a form to be completed by the patron bringing the challenge or question that documents the complaint. Selection & Reconsideration Policy Toolkit for Public, School, & Academic Libraries.

Materials Challenges: Key Library Policies to Review and Revise, continued

- **Patron Behavior Policy** - Patron policies should include a policy that prohibits activity that inhibits or infringes on other patrons' use and enjoyment of the library and its services, or which inhibits or infringes upon a library employee's ability to perform their duties. This somewhat general policy can cover a great deal of problematic patron activities – including hiding materials, yelling, harassing staff, blocking entrances or exits during protests or petitioning, etc. Other patron policies to review include vandalism or damage/destruction policies (which may also have a criminal component. Many states have laws that make the damaging of library or government property a crime. For public libraries that are not government entities, many states also have laws against damaging private property). HOWEVER, it is important to remember that libraries should manage BEHAVIOR rather than SPEECH. ALA, Guidelines for the Development of Policies and Procedures Regarding User Behavior and Library Usage.

- **Privacy Policies** - Review state laws governing privacy of library records and patron information, particularly with regards to interactions with law enforcement. Review library policies on the disclosure of patron circulation history. See Privacy Field Guides by ALA & IMLS.

- **Circulation/Access Policies - A wide variety of policies can fall under this category. See ALA,** Access to Library Services and Materials, Access to Library Services and Materials for Minors: An Interpretation of the Library Bill of Rights; Restricted Access to Library Services and Materials: An Interpretation of the Library Bill of Rights.

  - **Library card applications and new borrower policies and procedures.** Review process and policies and consider the diverse populations in your service area.What type of identification, or proof of residency is required? Does the existing policies/procedures take into account local populations that may not have the preferred type of documentation, including the elderly, homebound, developmentally disabled, and homeless. Immigrant patrons and patrons from certain cultures (such as Amish patrons) may also not have traditional proof of residency. Implement policies and procedures that allow for alternative proof of residency.

  - **Missing or damaged materials.** Review policies to ensure clear notice to patrons of ramifications for non-return or damage of materials. Many states have laws that make the theft and/or damage of library materials a crime. Consider notifying patrons of this fact as part of an overdue notice or reminder. This would make it easier for libraries to bring a criminal complaint against patrons who will not return materials.

  - **Circulation Policies regarding minor patrons and materials.** Review library's policy for minors who select adult materials or materials aimed at older or more mature patrons. Does the library restrict minor access to certain items for reasons other than the cost, value, or inherent physical

Materials Challenges: Key Library Policies to Review and Revise, continued

danger of the item? (For example- a limit involving "the library of things" items such as expensive cameras or equipment, or items that can cause physical injury such as power tools is reasonable.) A limit involving content or subject matter is not recommended. However, a library's establishment status as well as state laws on exposing minors to obscene and/or pornographic content could impact a library's civil or criminal liability if a patron lodges a criminal complaint because of a challenged item.

- **Check your state laws on pornography or obscenity.** Do they protect library staff and/or schoolteachers from prosecution under distributing obscene/sexual content/pornography to minors? Many states do exempt library staff and teachers if the distribution or exposure to the content was in the course of employment (i.e., doing their job). Consult your attorney on how the presence or absence of these exemptions in your state may affect your circulation policies.

- **Security Policies**

  - **Incident reporting policies** - Review the current policy and/or procedure for reporting and tracking incidents requiring staff intervention, law enforcement assistance, or security staff assistance. This may also be a good time to talk to local law enforcement about the best way to manage unruly patrons and what library staff can expect if law enforcement is called.

- **Public Meeting Policies**

  - If a library is a government or "public" entity:

    Public Comment Policy - Each state's Open Meetings Act, or Sunshine Act should provide guidance on the ability of a public body to limit or regulate public comment. Libraries should consult their attorneys and ensure that their public meeting policies and/ or the board bylaws take full advantage of the tools provided by the state to manage public comment (such as limiting the amount of time each person speaks or requiring groups to speak through one representative) while still complying with applicable laws.

    Efforts or policies that restrict speech in public comment (such as "Civility policies," or "no profanity" policies should be thoroughly reviewed by the library's attorney. As a general rule, Boards should regulate behavior – not speech in a public meeting.

Materials Challenges: Key Library Policies to Review and Revise, continued

Recording of public meetings - Generally permitted, but requirements could vary across different states. Check with the library's attorney, or the applicable law.

- **Documenting meeting minutes and recording policies** - Requirements could vary according to state. Consult the library's attorney or applicable laws for requirements surrounding public recording of meetings and any meeting minutes that must be taken.

- **Minutes Policy** - Review what (if any) minutes must be taken at a public meeting, as well as when and how those minutes should be approved and posted.

  Municipal Research and Services Center (MRSC) tips on managing difficult public meetings. (**NOTE**: This article references Washington State law. There are useful general suggestions, but libraries should consult their attorneys before adopting policy changes that affect public comment, attendance, and speech at public meetings):

- If a library is a non-profit or private corporation, they may have more ability to regulate public comment and/or attendance in meetings. However, because laws can widely differ with regards to library standing and public status, a library should consult their attorney to determine appropriate policies for public attendance or comment.

- **Board Policies** (Bylaws)

  - **Board Behavior Policy** (including public official behavior laws) - What constitutes inappropriate or unacceptable behavior of a board member- particularly with regards to communication with library staff.

  - **Board Removal Policy/Process** - How can board members be removed from the board? What is the process?

  - **Board Communication Policy** - Bylaws should include a policy describing limitations on the issues or information a board member can discuss or release outside of a meeting.

  - **Board Ethics Policy** (also at municipal level) - Review whether there are any state or local requirements for a board member to act in the best interests of the institution. Also, if there is an ethics policy/law/ordinance that would require a board member to uphold the stated mission and beliefs of the institution or municipality, rather than their own ideology or beliefs.

Materials Challenges: Key Library Policies to Review and Revise, continued

- **Roles and duties of board officers** - The board bylaws should list the expected duties of each board officer, as well as ramifications (such as loss of officer office or loss of committee assignment) for officers that do not live up to their duties.

- **Crisis Communication Policy** - A policy that details how the library communicates to the community and other stakeholders as well as the media during a crisis – including a lawsuit or public conflict. Can also include procedures for gathering community support for the library and working with friends groups for support.

  Spokesperson - This policy designates a spokesperson who represents the library to the media. Having only one person be the "face" of the library increases the likelihood of a consistent and accurate message emanating from the library as well as enables the library to control public relations.

  ALA, Crisis Communication Planning, https://www.ala.org/tools/sites/ala.org.tools/files/content/Crisis%20Communication%20Planning.pdf

  King, Tamara, Creating a Crisis Communication Plan to Handle a Scandal or Escape a Scrape https://www.infotoday.com/mls/nov18/King--Creating-a-Crisis-Communication-Plan.shtml

  Georgia State Library, Crisis Communication Plan Template https://georgialibraries.org/wp-content/uploads/2020/09/template-crisis-communications-plan-.docx

  Soehner, Godfrey, Crisis Communication in Libraries: Opportunity for New Roles in Public Relations, The Journal of Academic Librarianship 43(3) https://www.researchgate.net/publication/316116577_Crisis_Communication_inLibraries_Opportunity_for_New_Roles_in_Public_Relations

- **Social Media Policy** - How the social media presence of the library is managed. Who has authority to post (should be limited to a very few). Library should have guidelines on what can be posted (Library programing, news, etc. content only? Opinions of Library staff, board members, etc.)? Can members of the public comment? (Be careful of this one if the library is a public entity – enabling public comment can create a "public forum" online under the First Amendment, which can make it extremely risky to remove comments – even offensive ones). Libraries should consult their attorneys about social media public comment policies.
  ALA Intellectual Freedom Social Media Guidelines for Public and Academic libraries
  Public Libraries Online, Corsillo, Staying Social: Why Your Library Needs Social Media Policies, http://publiclibrariesonline.org/2019/06/staying-social-why-your-library-needs-social-media-policies/ June 28, 2019

Materials Challenges: Key Library Policies to Review and Revise, continued

General Resources:

ALA Frontline Advocacy Toolkit
ALA Frontline Advocacy for School Libraries Toolkit

Everyone who works at a library can be an advocate. The Frontline Advocacy Toolkit provides practical tools to help frontline library staff identify opportunities to advocate for the value of libraries and their own value on a daily basis.

NOTE: Frontline Advocacy would include knowing the "party line" on intellectual freedom procedures.

ALA Policy page

ALA Office for Intellectual Freedom, Book Challenge Support Page

United for Libraries- Trustee Tip Sheets, Twelve Golden Roles for Library Board Members - Requires United for Libraries membership for access.

United for LIbraries - "Learning Live" Webinar, Library Boards, Intellectual Freedom, and Challenges) - Requires United for Libraries membership for access.

Resources like this Tip Sheet are made available through the support of United for Libraries membership and donations to United for Libraries. For information about membership, visit www.ala.org/united/membership; to donate, visit www.ala.org/united/donate.

Compiled by the United for Libraries Intellectual Freedom Task Force; last revision 2/15/2022.

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Terms and Definitions Related to Intellectual Freedom & Censorship

Terms and terminology are a powerful tool when their definitions are misused, re-written, or conflated. The present climate requires we clearly define the language, especially to understand and defend intellectual freedom and censorship challenges. This collection of assembled terms and phrases strives to provide clarity, relying where possible on other American Library Association (ALA) glossaries for consistency. Additional notes within definitions may suggest how terms are being misapplied or used as a signal to others with the same agenda. We welcome your feedback and suggestions to refine what is presented here; email united@ala.org.

Anti-racist curriculum - For many educators, teaching through an anti-racist lens means helping students understand racism's origins and guises, past and present, so they can act to disrupt White supremacy. (NEA: https://www.nea.org/advocating-for-change/new-from-nea/teaching-anti-racist-lens)

Ban - A removal of materials from a library based on the objections of a person or group. Sometimes the ban is a decision made by a committee, and other times an administrator or staff member removes books without following a library's policy.

Censorship - A decision made by a governing authority or its representative(s) to suppress, exclude, expurgate, remove, or restrict public access to a library resource based on a person or group's disapproval of its content or its author/creator. See also Challenge.

Challenge - "An attempt to have a library resource or program removed or access to it restricted, based on the objections of a person or group. Challenges do not simply involve a person expressing a point of view; rather, they are an attempt to remove material from the curriculum or library, thereby restricting the access of others. Challenges sometimes lead to censorship."

CIPA - Acronym for the Children's Internet Protection Act (P.L. 106-554). CIPA places restrictions on the use of funding for internet access that is available through the Universal Service E-rate discount program and the Library Services and Technology Act (LSTA) to public schools and public libraries. CIPA requires funding recipients to adopt internet safety policies and use filtering software that blocks or filters certain visual images from being accessed through the internet.

> ***Note: it is important to understand how filtering software works and how it is maintained (especially in your library), as laypersons most often do not.**

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 affects.

continued

Terms and Definitions Related to Intellectual Freedom & Censorship, continued

Complaint - When a patron expresses concern about the appropriateness of a library program, service, or material. Some complaints are resolved with a simple conversation with the librarian. A complaint does not necessarily trigger the full Reconsideration Procedure.

Confidentiality - A condition in which personally identifiable information is not shared without the consent of the user or as required by law. In a library setting, confidentiality exists when the library is in possession of personally identifiable information about users and keeps that information private on their behalf.

Content-neutral restrictions - Constitutionally permissible restrictions on expression that apply uniformly to all speech regardless of the subject matter discussed or the topic addressed by the speaker. Public libraries, like all government agencies, may not silence speakers based on the content or topic of their speech or due to controversy. See also Viewpoint-neutral Restrictions.

COPPA - Acronym for the Children's Online Privacy Protection Act (15 U.S.C. § 6501; 16 CFR § 312), which includes provisions requiring commercial online content providers who either have actual knowledge that they are dealing with a child under thirteen years of age or who aim their content at children to obtain verifiable parental consent before they can collect, archive, use, or resell any personal information pertaining to that child.

Crisis communication - The means by which an organization provides information to stakeholders and their community during and regarding a negative or challenging situation that could harm the reputation or operation of the organization or institution. In essence, the way a library communicates information about a negative situation, conflict or crisis internally and externally.

> ***Note: A coherent plan for Crisis Communication should be made to cover any situation: who (role rather than name) will be consulted; who will write the content; how will the information be disseminated; etc. No organization wants multiple potentially inconsistent announcements released.**
>
> https://pagecentertraining.psu.edu/public-relations-ethics/ethics-in-crisis-management/lesson-1-prominent-ethical-issues-in-crisis-situations/crisis-communication/

Critical race theory (CRT) - A framework and/or analytical tool primarily used in university-level courses. Originating in the 1970s, CRT was first used as a way to help law students think critically about the impact of historical and present-day racism on the legal system. In the 1990s, some colleges of education also started incorporating CRT into their coursework to help aspiring school administrators and teachers better understand inequities in the context of education. https://www.tasb.org/services/legal-services/tasb-school-law-esource/instruction/documents/critical-race-theory.pdf Critical race theory (CRT) is not part of the social studies curriculum at the k12 level.

> ***Note: Critics of intellectual freedom or an anti-racist curriculum often bucket anything pertaining to a non-white perspective or experience (fiction or nonfiction) as CRT.**

Terms and Definitions Related to Intellectual Freedom & Censorship, continued

Culturally responsive teaching (also CRT) [sometimes **Culturally responsive instruction**] - Connects students' cultures, languages, and life experiences with what they learn in school to help students access rigorous curriculum and develop higher-level academic skills. Culturally responsive teaching (CRT) works to bridge the gap between teacher and student by helping the teacher understand the cultural nuances that may affect a student's ability to understand and learn.

Censorship - The suppression of ideas and information that certain persons—individuals, groups or government officials—find objectionable or dangerous. It is no more complicated than someone saying, "Don't let anyone read this book, or buy that magazine, or view that film, because I object to it! " Censors try to use the power of the state to impose their view of what is truthful and appropriate, or offensive and objectionable, on everyone else. Censors pressure public institutions, like libraries, to suppress and remove from public access information they judge inappropriate or dangerous, so that no one else has the chance to read or view the material and make up their own minds about it. The censor wants to prejudge materials for everyone.

> **What Is The Relationship Between Censorship And Intellectual Freedom? In expressing their opinions and concerns, would-be censors are exercising the same rights librarians seek to protect when they confront censorship. In making their criticisms known, people who object to certain ideas are exercising the same rights as those who created and disseminated the material to which they object. Their rights to voice opinions and try to persuade others to adopt those opinions is protected only if the rights of persons to express ideas they despise are also protected. The rights of both sides must be protected, or neither will survive.**

Community standards - A challenging term to define, as courts have sought to recognize both national and local standards with little success. Many organizations have established a shared set of "Community Standards" that guide their work and decisions.

Disinformation - "deliberately misleading or biased information; manipulated narrative or facts; propaganda." Dictionary.com

Diversity - The sum of the ways that people are both alike and different. Visible diversity is generally those attributes or characteristics that are external. However, diversity goes beyond the external to internal characteristics that we choose to define as 'invisible' diversity. Invisible diversity includes those characteristics and attributes that are not readily seen. When we recognize, value, and embrace diversity, we are recognizing, valuing, and embracing the uniqueness of each individual. (ODLOS Glossary of Terms; Adapted from National Education Association)

Equal and equitable access to information and services - An approach to operating that ensures that everyone the library serves is entitled to the same level of access to information and services and that all have the opportunity to avail themselves of that access if they so choose. "Equal" access refers to uniform access to information and services. "Equitable" access refers to just and fair access, taking into consideration the facts and circumstances of the individual case. Access to information and services is equal and equitable when there is a level playing field for everyone.

Terms and Definitions Related to Intellectual Freedom & Censorship, continued

Equity - Not the same as formal equality. Formal equality implies sameness. Equity, on the other hand, assumes difference and takes difference into account to ensure a fair process and, ultimately, a fair (or equitable) outcome. Equity recognizes that some groups were (and are) disadvantaged in accessing educational and employment opportunities and are, therefore, underrepresented or marginalized in many organizations and institutions. The effects of that exclusion often linger systemically within organizational policies, practices, and procedures. Equity, therefore, means increasing diversity by ameliorating conditions of disadvantaged groups. (ODLOS Glossary of Terms; Adapted from National Association of Social Workers)

E-Rate: Universal Service Program for Schools and Libraries - Makes telecommunications and information services more affordable for schools and libraries. With funding from the Universal Service Fund (fcc.gov/general/universal-service-fund), E-Rate provides discounts for telecommunications, Internet access, and internal connections to eligible schools and libraries.Eligible schools and libraries may receive discounts on telecommunications, telecommunications services, and Internet access, as well as internal connections, managed internal broadband services and basic maintenance of internal connections.

> Discounts range from 20 to 90 percent and are based on the poverty level of the schools. Rural schools and libraries may also receive a higher discount. Recipients must pay some portion of the service costs.
>
> According to the CIPA law, libraries that receive E-Rate discounts are required to implement library-based tools to prevent underage users from accessing content that is harmful to minors. The ALA unsuccessfully challenged this law in the early 2000s: https://www.ala.org/advocacy/advleg/federallegislation/cipa/cipalegalfaq

Exploitation - Any person who employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, or who transports any minor in or affecting interstate or foreign commerce, or in any Territory or Possession of the United States, with the intent that such minor engage in, any sexually explicit conduct for the purpose of producing any visual depiction of such conduct or for the purpose of transmitting a live visual depiction of such conduct. (18 U.S. Code § 2251 - Sexual exploitation of children: https://www.law.cornell.edu/uscode/text/18/2251)

Expurgation - The excision, alteration, editing, or obliteration of any part(s) of books or other library resources for the purposes of censorship.

Extralegal pressure - Threat of legal action or pressure by community members or organized groups that results in the banning of library materials. The term also refers to requests from law enforcement without a proper court order and actions taken by persons in positions of authority (e.g., mayors, elected officials, school officials) to remove or restrict access to library materials or services without following library policies and procedures.

Terms and Definitions Related to Intellectual Freedom & Censorship, continued

Fake news - "purposefully crafted, sensational, emotionally charged, misleading or totally fabricated information that mimics the form of mainstream news" Fake News: Understanding Media and Misinformation in the Digital Age (back cover).

FERPA - Acronym for the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g; 34 CFR Part 99), which controls the disclosure of a student's educational records and information and gives parents and students the right to inspect and correct their educational records. The act applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

Filtering software - A "technology protection measure," the use of which is intended to block access to particular kinds of online content. CIPA requires public schools and libraries accepting funds for internet access through the Universal Service E-rate discount program and the Library Services and Technology Act (LSTA) to certify that they have adopted an internet safety policy that includes the use of filtering software to keep adults from accessing visual images online that are are deemed obscene or child pornography. The filtering software must also block minors' access to images that are harmful to minors.

Harmful to minors - Sexually explicit materials that adults have a legal right to access but that lack any serious literary, artistic, political, or scientific value for minors. It is illegal to knowingly distribute such materials to any minor. Not all states have harmful to minors laws, and the coverage varies significantly in states that do. Also, some state laws stipulate that in any prosecutions of organizations or individuals alleged to have provided content deemed harmful to minors, being a library or library worker is an affirmative defense.

Hate group - A social group that advocates and practices hatred, hostility, or violence toward a group or individual based upon their race, ethnicity, nation, religion, gender, gender identity, sexual orientation, or any other designation of society.

Hate speech - Abusive or threatening speech or writing that expresses prejudice against a particular group, especially on the basis of race, religion, or sexual orientation. "Hate speech" doesn't have a legal definition under U.S. law, and is protected under the First Amendment. It can be criminalized only when it directly incites imminent criminal activity or consists of specific threats of violence targeted against a person or group.

Inclusion - an environment in which all individuals are treated fairly and respectfully; are valued for their distinctive skills, experiences, and perspectives; have equal access to resources and opportunities; and can contribute fully to the organization's success. (ODLOS Glossary of Terms; Adapted from Society for Human Resources Management, Hewlett Packard, and Ferris State University)

Inclusivity - the effort by libraries to include as many age-appropriate perspectives as possible on the diversity of human experience as well as to welcome all members of the library community to access the diverse and inclusive collection.

Terms and Definitions Related to Intellectual Freedom & Censorship, continued

Intellectual freedom - 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. https://www.ala.org/advocacy/intfreedom/censorship/faq

Internal challenge - a request by library management to reconsider currently available materials, often without following the full posted Selection and Reconsideration Policies. This kind of challenge is closely related to **Self-Censorship** and **Silent Censorship** (see below).

LGBTQ - LGBTQ is an acronym for lesbian, gay, bisexual, transgender and queer or questioning. These terms are used to describe a person's sexual orientation or gender identity.

> ***Note: A number of states have and are crafting legislation to suppress content that may "promote, normalize, support, or address controversial social issues , such as lesbian, gay, bisexual, and transgender (LGBT) lifestyles."**
>
> **Critics of intellectual freedom often consider work representing LGBTQ lives or perspectives as a violation of their community standards.**

Misinformation - "False information that is spread, regardless of whether there is intent to mislead." Dictionary.com

Neutrality - The idea that libraries should remain ideologically neutral spaces to ensure all patrons' access to any information they please, regardless of their identity, status, background, or beliefs. The reasoning of those who support libraries' neutrality is that by not offering any opinion or perspective, libraries create spaces where all members of the community can feel safe accessing materials, even if their beliefs contradict hegemonic ideologies. https://hacklibraryschool.com/2020/02/25/libraries-should-take-sides/

> Today, there is discussion and sometimes critique of the term in recognition that libraries have always reflected the dominant culture in which they exist, which has been inherently not neutral.

Obscenity - Obscenity is defined as anything that fits the criteria of the Miller test (from Miller v. California, 413 U.S. 15, 24, 93 S. Ct. 2607, 2615, 37 L. Ed. 2d 419 (1973)) which may include, for example, visual depictions, spoken words, or written text.

> Miller Test - The **three-pronged** Miller test is as follows:
>
> 1. Whether the average person, applying contemporary adult community standards, finds that the matter, taken as a whole, appeals to prurient interests (i.e., an erotic, lascivious, abnormal, unhealthy, degrading, shameful, or morbid interest in nudity, sex, or excretion);
>
> 2. Whether the average person, applying contemporary adult community standards, finds

Terms and Definitions Related to Intellectual Freedom & Censorship, continued

that the matter depicts or describes sexual conduct in a patently offensive way (i.e., ultimate sexual acts, normal or perverted, actual or simulated, masturbation, excretory func tions, lewd exhibition of the genitals, or sado-masochistic sexual abuse); and

3. Whether a reasonable person finds that the matter, taken as a whole, lacks serious literary, artistic, political, or scientific value. (https://www.justice.gov/criminal-ceos/citizens-guide-us-federal-law-obscenity)

Any material that satisfies **all three conditions** of this three-pronged test may be found obscene. However, it should be noted that only a court can truly label material "obscene" for purposes of the First Amendment. Generally, if an item is available for purchase in the general marketplace, it is unlikely to meet the criteria of the Miller Test.

Parental rights - Any parent has the right to request that any library prevent access by the children of their own family to specific resources or types of resources. No parent has the right to affect the access of any other children than their own to any library resources. Despite current efforts in state legislatures, no further laws are needed to enact these rights.

Personally identifiable information (PII) - Information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual.

Pornography - A colloquial term referring to the portrayal of sexual imagery or behavior in books, photographs, motion pictures, videos, and other media that is intended to cause sexual excitement. In more recent times, has been extended to any item or image intended to incite desire (e.g., "food porn"). The decision about what is pornographic is largely subjective and reflects changing community standards and the subjective views of the individual. Imagery that might be considered merely erotic or even religious in one society may be condemned as pornographic in another. Under U.S. law, "pornography" has no legal definition. Instead, courts and legislatures identify illegal sexually themed content as "**obscenity**," which is defined by statute in federal and state law.

- printed or visual material containing the explicit description or display of sexual organs or activity, intended to stimulate erotic rather than aesthetic or emotional feelings. (dictionary)
- material that depicts nudity or sexual acts for the purpose of sexual stimulation.
- Numerous states have laws that make it a crime to distribute, display, or provide obscene, pornographic, or sexually explicit content to minors. Some of these laws specifically exempt Teachers and library staff from prosecution if the material(s) were provided to or obtained by the minor(s) in the course of the library staff performing their duties, or as part of an approved school curriculum. Library directors and boards, as well as teachers, should determine if their state has a similar law, and if that law contains an exemption from prosecution that applies to them.

Terms and Definitions Related to Intellectual Freedom & Censorship, continued

- Some consider anything related to human reproduction or gender identity to be pornography, but that misconception holds no legal standing.

Privacy - "All people, regardless of origin, age, background, or views, possess a right to privacy and confidentiality in their library use." "The right to privacy includes the right to open inquiry without having the subject of one's interest examined or scrutinized by others, in person or online. Confidentiality exists when a library is in possession of personally identifiable information about its users and keeps that information private on their behalf." Privacy: An Interpretation of the Library Bill of Rights

"Problematic" authors - Authors may be deemed problematic by a librarian or patron because they have written other works about controversial topics. Each book or other material should be considered on its own merit, and selected or not without concern for other work by the same author. One author may write for both young children and young adults; the work for older youth may have content not appropriate for the smallest patrons. Another author may write science non-fiction for a variety of ages, and include books about puberty. An adult author may choose to write an abridged edition of an adult title in order to encourage younger readers to engage with a topic appropriately.

Public forum - A "traditional public forum" is a government-owned place that has been traditionally available for public assembly, speech, and discussion (e.g., parks, sidewalks, and streets). A "designated or limited public forum" is a public place purposefully designated by the government, or established through tradition, as a place dedicated to a particular type of expression. A "nonpublic forum" is a place that is neither traditionally used for expressive activities nor set aside or opened up in a substantial way for expressive activities. Rules about what kinds of restrictions on speech may be legally imposed in a given place are based on the type of forum that has been established.

Reconsideration policy and procedure - The formal procedure available to patrons who wish a material removed from a library collection beginning with a complaint, then completion of the Reconsideration form detailing the claim, the committee membership who will consider the challenge, and the resolution of that claim as well as any possibilities for appeal. Also known as **Materials challenge policy**. A similar process may be initiated concerning library sponsored programs.

Request for reconsideration - A formal, written request that the library remove or restrict access to particular resources or programs, submitted on a form and invoking a formal, standardized review process by the library and/ or its governing body.

Selection/collection development policy - the policy guiding all selection and purchase decisions about library acquisitions: review source requirements, community standards, etc. These policies are generally approved by the school district, public library board, or other managing oversight body.

Self-censorship/silent censorship - Refer to librarian choices to not purchase new materials, to weed ones already available to patrons, or to not sponsor a program for fear of a challenge from the community. This type of unseen censorship potentially limits community access to information about topics to which

Terms and Definitions Related to Intellectual Freedom & Censorship, continued

a vocal minority might object and which a vulnerable minority may need. Also note **Internal Challenges** above.

Viewpoint-neutral restrictions - Constitutionally permissible restrictions on expression that apply uniformly to all speech regardless of the point of view expressed by the speaker. Public libraries, like all government agencies, may not silence speakers whom the government opposes or sanction only those whom the government supports, or silence particular speakers because of popular controversy. For example, libraries may not use filtering software to block or filter web content favoring same-sex marriage while allowing access to web content opposing or disparaging same-sex marriage. See also **Content-neutral restrictions**.

Weeding - The systematic removal of resources from a library based on selected criteria. It is the opposite of selecting material, though the selection and deselection of material often involve the same thought process. Weeding is not censorship; it is a vital process for an active collection because it ensures the collection stays current, relevant, and in good condition. Weeding should be done on a continuous, on-going basis. (Larson, Jeanette (2008), CREW: A Weeding Manual for Modern Libraries, Revised and Updated (PDF), Austin, TX: Texas State Library and Archives Commission, retrieved October 7, 2014.) A "well-maintained, well-pruned collection is far more useful than one filled with out-of-date or unused materials." Lehman, Kathleen (2014), "Collection Development and Management", Library Resources & Technical Services, 58 (3): 169–177, doi:10.5860/lrts.58n3.169

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tip sheet #11
Tools for Trustees

United for Libraries
Association of Library Trustees, Advocates, Friends and Foundations
A division of the American Library Association

TWELVE GOLDEN RULES FOR BOARD MEMBERS

The following tips are excerpted from The Public Library Start-Up Guide *by Christine Lind Hage (chapter 3, page 21), available at www.ala-store.ala.org.*

1) A Trustee must have an interest in the library. Does she or he believe enough in the educational, informational, and recreational role of the library to fight for the library as the church member fights for her or his church, the school person for her or his educational program, the doctor for her or his patient? It is a duty of the Trustee to do so.

2) A Trustee must have time to give to the library. Continuity of policy is almost impossible if a board member is absent two out of three meetings. No citizen should accept appointment as a library Trustee if she or he does not intend to come regularly to meetings. Likewise, a Trustee who finds new interests interfering with attendance should resign.

3) A Trustee must consider the position not a matter of prestige but an opportunity for courageous and forward-looking efforts to push the library ahead. An ideal trustee is a good businessperson, is interested in education, has few prejudices, and has good judgment, sound character, common sense, and public spirit. A Trustee should be chosen with these personal qualities in mind and not because of the church she or he attends, the section of town in which she or he lives, her or his political party affiliations, and so on.

4) A Trustee must know the law under which the library is organized.

5) A Trustee serves without compensation.

6) A Trustee carries a full share of responsibility as a board member, assuring that a few members do not have to do all the work or take all the blame or praise.

7) A Trustee does not voice her or his opposition or criticism, either publicly or privately, after a policy or rule is adopted by a majority vote of the board.

8) A Trustee is careful to keep confidential information confidential and does not give out information regarding future board actions or plans.

continued on reverse

9) A Trustee treats the staff members and the librarian in a completely impersonal fashion. Under no circumstances does a Trustee listen to grievances of staff members or treat individual problems on her or his own. The librarian is in charge of the staff and has administrative control until a grievance is presented to the library board as a whole.

10) A Trustee should know the funding sources of the library and be familiar with the library budget.

11) A Trustee must know the needs of the library and community and be aware of trends and new procedures in the library field. The best and perhaps only way to do this is to read professional library publications, meet with Trustees of other libraries, visit other libraries, and attend the annual conferences and meetings of Trustees and librarians.

12) A Trustee knows that all powers are always vested in the library board and none at all in the individual board member. The individual has no power to act for the library in any way, unless authorized by the board itself; it is always the board as a unit that holds the responsibility and the powers.

updated 1/15

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Huntsville Public Library Board and Library Employee Ethics Policy

The Huntsville Public Library is dependent on the trust of its community to successfully achieve its mission. Therefore, it is crucial that all Board members and employees conduct business on behalf of the Huntsville Public Library with the highest level of integrity avoiding any impropriety or the appearance of impropriety.

Guiding Principles:

- Board members and employees should uphold the integrity of the Huntsville Public Library and should perform their duties impartially and diligently.
- Board members and employees should not engage in discrimination of any kind including that based on race, class, ethnicity, religion, sex, sexual orientation, or belief system.
- Board members and employees should protect and uphold library patrons' right to privacy in their use of the library's resources.
- Board members and employees should avoid situations in which their personal interests, activities or financial affairs are, or are likely to be perceived as being in conflict with the best interests of the Huntsville Public Library.
- Board members and employees should avoid having interests that may reasonably bring into question their position in a fair, impartial and objective manner.
- Board members and employees should not knowingly act in any way that would reasonably be expected to create an impression among the public that they are engaged in conduct that violates their trust as Board members or employees.
- Board members and employees should not use or attempt to use their position with the Huntsville Public Library to obtain unwarranted privileges or advantages for themselves or others.
- Board members and employees should not be swayed by partisan interests, public pressure, or fear of criticism.
- Board members and employees should not denigrate the organization or fellow Board members or employees in any public arena.

Therefore:

To preserve and uphold the Huntsville Public Library's reputation as an organization of unimpeachable integrity, each Board member and employee will sign a "Conflict of Interest" statement and an "Ethics Statement" at the beginning of each calendar year (and at the commencement of his/her service) during their tenure with the Huntsville Public Library.

HUNTSVILLE PUBLIC LIBRARY BOARD

CONFLICT OF INTEREST POLICY

Officers, Board Members and Employees

No Board member or committee member of the Huntsville Public Library shall derive any personal profit or gain, directly or indirectly, by reason of his or her participation on the Board. Other than compensation, no employee shall derive any personal profit or gain, directly or indirectly, by reason of his or her employment by the Huntsville Public Library except through activities that may facilitate professional advancement or contribute to the profession such as publications and professional service and have been fully disclosed to the Board.

Each individual shall disclose to the Board any personal interest which he or she may have in any matter pending before the Board and shall refrain from participation in any decision on such matter.

Members of Huntsville Public Library Board, committees, and staff shall refrain from obtaining any list of library patrons that results in personal benefit.

Statement of Associations

This is to certify that I, except as described on the reverse of this sheet, am not now nor at any time during the past year have been:

> A participant, directly or indirectly, in any arrangement, agreement, investment, or other activity with any vendor, supplier, or other party doing business with Huntsville Public Library that has resulted or could result in personal benefit to me.

Any exceptions to the above are stated on the reverse of this sheet with a full description of the transactions, whether direct or indirect, which I have (or have had during the past year) with persons or organizations having transactions with Huntsville Public Library.

Signature: _____ Date: _____

Printed name: _____

Huntsville Public Library Board position:

_____