

Proposed Changes to Library Policies for the Protecting of Children

Section III-1 Responsibility for Selection

Ultimate responsibility for materials selection in various formats rests with the library director acting on the authority of the Library Board and subject to the standards set forth by the Board.

Section III-2 Selection Guidelines

Criteria

Criteria used include literary merit, enduring value, accuracy, authoritativeness, social significance, importance of subject matter to the collection, timeliness, popular demand, cost, scarcity of material on the subject and availability elsewhere, quality and suitability of the format, and space. Other considerations may be applicable in specific subject areas. Selectors should choose materials that will build a well-rounded collection which includes all viewpoints and opinions, and which meets patrons' needs. Librarians may use reasonable judgment in the selection of titles not specifically identified in the genre collections.

Policy for Protecting Children from Harmful, Sexually Explicit Material

It shall be the goal of the Campbell County Public Library System, through its collections policies, to meet the educational, informational, and recreational needs of the community, especially its children. In curating its collection for the benefit of the community, the Campbell County Public Library System takes seriously its obligation to not include sexually explicit or graphic materials within its collections that would be harmful to minors or impede their development.

To improve the experience of our community's children in the Library and conform the entirety of the Library's collections to the standards established by the Library Board and requirements of the Children's Internet Protection Act (CIPA) set forth at 20 U.S.C. § 9134 and 47 U.S.C. § 254:

(1). The library director shall ensure that, in developing the Library's collections and choosing materials for addition to the library, no materials added to any genre or portion of the library's collections include (a) any picture, photograph, drawing, sculpture, motion picture film, videocassette, or other visual representation of a person or portion of the human body which depicts nudity or sexual conduct, sexual excitement, sexual battery, bestiality, or sadomasochistic abuse, or which is otherwise harmful to minors as defined by CIPA or inappropriate for minors as determined by the Library Board; or (b) any book, pamphlet, magazine, printed matter, or sound recording, however reproduced, which contains explicit or detailed descriptions or narrative

accounts of sexual excitement or sexual conduct or which is otherwise harmful to minors as defined by CIPA or inappropriate for minors as determined by the Library Board.

(2). The sole exception to this policy is that the library director may curate constitutionally protected materials of the type identified in paragraph (1) above for bona fide research by adults but must ensure that such materials are not accessible to minors. The library director shall ensure that all such materials are kept in such a way as to prevent access by children.

(3). The library director shall report to the Library Board regularly, but no less often than once every six months, regarding the Library's compliance with this policy.

Section III-3 Weeding/Retention

Weeding identifies damaged items, ephemeral materials which are no longer used, out-of date materials, extra copies which are not being used, and materials which are inappropriate for the collection- as defined by library policies including the Protecting Children from Harmful, Sexually Explicit Material Policy.

Section III-10 Reconsideration of Library Materials

A singular obligation of a public library is to reflect within its collection differing points of view on controversial or debatable subjects. The Campbell County Public Library System does not promote particular beliefs or views, nor does the selection of an item express or imply an endorsement of the author's viewpoint.

Further, the Campbell County Public Library System takes seriously its obligation to “pursue the worthy missions of facilitating learning and cultural enrichment.”¹ Our library system does this by “aid[ing] in the acquisition of knowledge through reading, writing, and quiet contemplation.”² Thus, the community of Campbell County has a rightful expectation that their library be “a place dedicated to quiet, to knowledge, and to beauty.”³ Indeed, “a library is a mighty resource in the free marketplace of ideas.”⁴ Never should materials be removed from the Library simply because library administrators “dislike the ideas contained in those books and seek by their removal to “prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion.”⁵

¹ *United States v. Am. Libr. Ass'n, Inc.*, 539 U.S. 204 (2003).

² *Doe v. City of Albuquerque*, 667 F.3d 1111, 1130 (10th Cir. 2012) (external citations omitted).

³ *Brown v. State of La.*, 383 U.S. 131, 142 (1966).

⁴ *Minarcini v. Strongsville City Sch. Dist.*, 541 F.2d 577, 582 (6th Cir. 1976).

⁵ *West Virginia Board of Education v. Barnette*, 319 U.S., at 642, 63 S.Ct., at 1187) *Bd. of Educ., Island Trees Union Free Sch. Dist. No. 26 v. Pico*, 457 U.S. 853, 872 (1982).

Given the importance and role of the public library in American culture, libraries have historically held wide discretion to only include materials in their collection which are of “requisite and appropriate quality” that “would be of the greatest direct benefit or interest to the community.”⁶

Further, libraries have also had wide discretion to exclude pornography and other sexually explicit material of prurient value from its collections.⁷ These exclusions are particularly important given the number of minor patrons Campbell County Library serves as a place of learning, wonder, and imagination. A library’s interest in protecting its minor patrons from harmful sexual materials is not only legitimate, but compelling.⁸

Library materials will not be marked or identified to show approval or disapproval of the contents, nor will items be sequestered, except for the purpose of protecting them from damage or theft or to bring the library into compliance with the collection development policy on Protecting Children from Harmful, Sexually Explicit Material.

Library Materials Reconsideration Policy:

Comments from members of the community about the collection or individual items in the collection frequently provide useful information about interest or needs that may not be adequately met by the collection. The Library welcomes expression of opinion by patrons but will be governed by this Collection Development Policy in making additions to or deleting items from the collection.

The following individuals have the right to request reconsideration of specific materials in any of the library’s collections:

- A. Patron of the library
- B. Parent/legal guardian of a minor patron of the library; and
- C. Resident of the county

Any of the above individuals may bring concerns about the inclusion of library material to a **library manager**. A manager's first course of action is to try to resolve the patron's concerns verbally. ~~If resolution is not possible, the patron is not satisfied,~~ the patron who requests the reconsideration of library materials ~~will be asked~~ **has the right** to put his/her request in writing by completing and signing the "Request for Reconsideration of Library Materials" form (see Appendix A Form #1). A copy of the completed form will be given to the director, the

⁶ ALA, 539 U.S. at 204 (internal citations omitted).

⁷ ALA, 539, U.S. at 208 (“We do not subject these decisions to heightened scrutiny”).

⁸ *United States v. Am. Libr. Ass’n, Inc.*, 539 U.S. 194, 218-19 (2003) (J. Breyer Concurring); *Reno v. Am. C.L. Union*, 521 U.S. 844, 869-70 (1997); *New York v. Ferber*, 458 U.S. 747, 756-57 (1982).

appropriate library manager, and to the person completing the form. It is the manager's responsibility to communicate with the library staff which material(s) have been challenged.

When the completed form is returned, ~~the manager will retrieve reviews of the material(s) in question. The reviews, the manager's recommendation, and a draft letter of response to the patron will be submitted to the director for review.~~ the director will then make a preliminary determination of whether the ~~decide whether the~~ material(s) should be ~~will be~~ withdrawn or retained in the collection, paying particular attention to whether the material violates Library collection development policy on Protecting Children from Harmful, Sexually Explicit Material. The Director shall then, within 30 days, submit the request for reconsideration of library materials and the director's recommended disposition to the Board for consideration. ~~The Director will inform the Library Board of all requests for reconsideration of library materials and their disposition.~~ Materials subject to reconsideration shall not be removed from use pending the final decision.

~~The manager may report to American Library Association's (ALA) Challenge Database (see Appendix A Form #2). The manager will also submit the challenge to the Wyoming Library Association (WLA) Committee.~~

~~In the event the person who initiated the request is not satisfied with the decision of the director, he/she may speak to the director. If not satisfied, the patron may appeal before the Library Board by making a request that the director place him/her on the next Library Board's meeting agenda.~~

The Library Board will ~~determine~~ consider the citizen's ~~whether the~~ request for reconsideration at its next meeting. In considering the request, the citizen making the request for reconsideration shall have the right to address the Board and state their concerns with the material and why it does not conform to Library collections policy.

The Library Board will then determine whether the director's recommended disposition ~~has been handled in accordance~~ conforms with the stated policies and procedures of the Campbell County Public Library System. On the basis of this determination, the Board may vote to ~~adopt uphold or override~~ the recommended disposition ~~decision~~ of the director or make their own determination as to whether the materials conform to Library collections policy.

The director ~~manager~~ will communicate the Board's decision, and the reasons for it, in writing, to the person who initiated the request for reconsideration at the earliest possible date.

Section VIII-8 Applied Sciences (600)

610 Medical sciences. This is a very large collection targeting the many classes in medicine. o Sources with an emphasis on contemporary issues are developed and maintained.

- Some nursing sources are maintained as needed. o An anatomy collection is minimally developed. o A collection of sources on child development ~~and sex education~~ is developed and maintained.
- A collection of general health sources in nutrition, weight loss, physical fitness, birth control, and ~~sexual~~ hygiene and behavior is developed and maintained.

Section XVI-5 Social Sciences (300)

300 Social sciences. Social sciences is a large, diverse collection. Research topics of current social concerns are developed and maintained. ~~Diverse perspectives of young adult sexuality are also developed and maintained.~~ All information should be kept current.

Section XVI-8 Applied Sciences (600)

610 Medical sciences. This large section of the collection covers medical areas most relevant to young adults. Topics such as ~~sexual activity and diseases, pregnancy, birth control, sexual hygiene~~, body development, puberty, ~~family life education, pregnancy~~, drugs' physical effects, and mental health are developed and maintained. Areas of diet, sports medicine, cosmetic surgery, and learning disabilities specifically written for young adults are maintained. Current information on diseases affecting young adults is developed and maintained.

XXX. Appendices

~~Form #2 ALA's Challenge Database Form [Link to off site page maintained by the ALA].~~