

Board Packet

5.30.24 Board Meeting



MATERIALS SELECTION AND ACQUISITION POLICY
DRAFT
05/16/24

Statement of Purpose and Intent for Policy

The vocation of a librarian requires a commitment to freedom of speech and the celebration of diverse viewpoints unlike that found in any other occupation. The librarian curates and curtails the collection of reading materials for an entire community in a sense, and in doing so, he or she reinforces the bedrock principles on which this country was founded. According to the United States Supreme Court, "Public libraries pursue the worthy missions of facilitating learning and cultural enrichment." *United States v. Am. Library Ass'n. Inc.*, 539 U.S. 194, 203, 123 S. Ct. 2297, 156 L. Ed. 2d 221 (2003). To fulfill those worthy objectives, "public libraries must have broad discretion to decide what material to provide to their patrons." *Id.* at 204.

Protecting minors from explicit and potentially developmentally damaging sexual content is a serious consideration for the entire community, library board and staff. No graphic visual or written depictions of sexual conduct, as defined in this policy, will be included in the CLN non-adult collection. Age-appropriate materials concerning biology, human anatomy, or religion are exempt from this directive.

This policy defines the Community Library Network's responsibility to establish and maintain a balanced and diverse collection of materials that meet the informational, educational, and recreational needs of our residents, and to openly afford the public access to discussion, debate, and the dissemination of information and ideas.

Objective and Scope of Policy

This policy pertains only to the selection and new acquisitions of books and materials, [regardless if previously acquired, except for material that has been lost or damaged,] for the library's collection, not removal of existing library materials. Policy regarding retention, removal, or relocation of existing materials is outside the scope of this policy.

Responsibility

The elected board of trustees ultimately guides the selection process through this policy. The Library Director implements policies set by the board. Under the Director's guidance, selection is delegated to professional collection development library staff who are qualified by education, training and experience. All staff members and the general public are encouraged to recommend materials for consideration. Suggestions are evaluated by the staff based on the Library's criteria for selection.

Definitions- As Used in this Policy

Under this section "(Materials Inappropriate for Minors) **CLN** Harmful to minors" means that quality of any description, exhibition, presentation, or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse, when the material or performance has any of the following characteristics:

(A) The average person eighteen (18) years of age or older applying contemporary community standards would find that the material or performance has a predominant tendency to appeal to a prurient interest in sex to minors;

(B) The average person eighteen (18) years of age or older applying contemporary community standards would find that the material or performance depicts or describes nudity, sexual conduct, sexual excitement, or sadomasochistic abuse in a manner that is patently offensive to prevailing standards in the adult community with respect to what is suitable for minors; and

(C) The material or performance lacks serious literary, scientific, medical, artistic, or political value for minors.

"Minor" means any person under eighteen (18) years of age.

"Material" means any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture, film, record, recording tape, CD-ROM disk, magnetic disk memory, magnetic tape memory, video tape, or other media, or any down-loadable or on-line digital content.

Nudity" means a:

(A) Showing or description of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering:

(B) Showing or description of the female breast with less than a fully opaque covering of any portion of the female breast below the top of the nipple; or

(C) Depiction or description of covered male genitals in a discernibly turgid state.

"Performance" means any motion picture, film, video tape, played record, phonograph or tape, preview, trailer, play, show, skit, dance, or other exhibition performed or presented to or before an audience of one (1) or more, with or without consideration.

"Sadomasochistic abuse" means flagellation or torture by or upon a person clad in undergarments, a mask, or bizarre costume, or the condition of being fettered, bound, or otherwise physically restrained on the part of a person so clothed, or mutilation or physical alteration of genitals by or upon a person;

"Sexual conduct" means an act of masturbation, homosexuality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or female breast; and

"Sexual excitement" means the condition of the human male or female genitals when in a state of sexual stimulation or arousal.

Selection Process

The Community Library Network seeks to purchase a wide range of materials that meet the informational, educational, and recreational needs of our residents in a variety of acceptable formats. The selection of materials is generally made by library staff based on clear and unambiguous written policies that infuse our mission statement and accepted goals and priorities, published reviews, recommendations from library users, availability of materials at other libraries, an item's relation to the Library's existing collection, use analysis, space, price, and staff judgment and expertise.

Books and material with content that is "(Materials Inappropriate for Minors) harmful to minors" as defined in this policy, shall be excluded from selection and acquisition for the library's non-adult collection.

The Community Library Network uses several criteria to determine the addition of an item whether purchased, requested, or donated.

- Authority and competency of presentation, author, or publisher
- Favorable reviews and inclusion in, but not limited to, reputable resources such as professional or trade journals
- Relation to existing collection
- Adequate standards of quality and durability in content, format, and physical appearance
- Current usefulness or lasting value (e.g. time-tested classics)
- Popularity and user demand, including hold demand counts on materials selected by other libraries in our consortium (CIN) that do not conflict with CLN policy
- Availability of materials through other libraries (Interlibrary Loan) or electronic resources
- Space requirements
- Representation of trends, subjects, or genres of local or national interest
- Price
- Format
- Appropriateness of subject and style for intended library users. For purposes of this criteria, **related to the library's non-adult collections**, "appropriateness" means a determination of whether such content is, in the opinion of the Board or Library staff, "harmful to minors as that term is specifically defined in this Policy.

Gifts

The Community Library Network welcomes donated books and other materials that are in good condition. Donated items may be used or disposed of in any way deemed appropriate and no conditions by donors can be made on materials donated. Donations are evaluated using the same criteria as purchased items. A receipt may be given to donors if requested with a number of items donated but no assessment of value will be made by library staff.

Review of Policy

This policy will be reviewed and revised every three years or updated as necessary. Approved by the

Community Library Network Board of Trustees, November xx, 2023.



MATERIALS WITHDRAWAL AND RECONSIDERATION POLICY

Draft 5-16-24

This policy defines the Community Library Network's review criteria and disposition process for material to be removed from the collection. Materials are defined in the Materials Selection and Acquisition Policy.

Withdrawal of Materials (Weeding)

The Community Library Network attempts to keep its entire collection in a condition that is attractive and inviting to the user. The Collection Development Librarian and other staff use the CREW (Continuous Review and Evaluation for Weeding) method to keep the collection weeded. Criteria for selecting materials for withdrawal include:

- Damage and poor condition; material that is out of print and considered a classic will receive special consideration for retainment.
- Copies in excess of demand
- Obsolete information or format
- Lack of use or space
- Availability from other sources
- Community relevance

Materials Harmful to Minors

- Materials that violate Idaho Codes 18-1513, 18-1514, and 18-1515 shall be removed from the juvenile, teen, and young adult collections.

Disposition of Materials

Material which has been selected for removal or relocation from the collection during any review process will be relocated or disposed of using one of the following options:

- Dispose of materials
- Donate to friends of the library groups, other non-profit groups or other government agency
- If material is harmful to minors, but produced for adults, move to adult collection area

- If material is harmful to minors, but not produced for adults, move to a library location (other than the regular adult collection area) not accessible or displayed to minors and only made available to adults

Reconsideration of Material

If a library patron concludes that a specific item does not meet the guidelines set forth in this policy, they may fill out a Citizen's Request for Reconsideration of Material form. The completed form will be submitted to the District Director who will review the form for evaluation and recommendations. The Community Library Network is a member of the Cooperative Information Network (CIN) consortium, sharing and receiving materials from the other member libraries. Requests for reconsideration are only accepted from Community Library Network residents for Community Library Network owned materials. A review team of library staff will be selected to review the item fully using the material selection policy. The decision will be submitted to the library user within 30 days, if possible. If the patron is not satisfied with the decision, they may appeal the decision to the board of trustees in writing within 10 business days. The board will evaluate whether staff appropriately used the selection policy as a guide during the review process. The patron will be notified of the outcome. The board's decision is final. The item in question will not be removed from the shelf during the reconsideration process (except, as necessary, for examination during this process). An item will be evaluated for reconsideration only once in a 3 year period unless the board determines sufficient new compelling evidence is introduced.

Reconsideration of Material

A "Request for Reconsideration of Material" form (RRMF) may be filled out and submitted by anyone who finds an item does not meet the guidelines set forth in this or any CLN policy. This includes items that may be found classified incorrectly and/or located incorrectly, as well as items that may need to be removed from the CLN collection. The RRMF may be filled out for non-CLN items that are shared and received from the Cooperative Information Network (CIN) consortium for the purposes of reclassification in the CLN system, but not for removal from CIN because those CIN items are not CLN assets.

A completed RRMF is submitted to CLN per the instructions on the form. The CLN staff, at the direction of the CLN Library Director, shall review the completed RRMF, fully review the subject item and recommend a disposition for the reconsideration request within ten business days of receiving the completed form. The item shall be removed from the collection upon receipt of the RRMF and remain so until the RRMF is resolved. If the recommendation is for no change in the item classification, location or remaining in the CLN collection, the case will be submitted to the CLN Board of Trustees for their review and decision at the next CLN Board meeting occurring within 30 days.

Decisions to remove or relocate material from the CLN collection will be based on guidelines delineated in this policy. When considering cases which may involve material harmful to minors, the “Miller test”, (when taken as a whole), from US Supreme Court case Miller vs Calif. (1973), will be used to determine if an item should be removed from the CLN collection. When considering if an item should be relocated, the “Miller” test or the more recent US Supreme Court “PICO” (1982) case test shall be used. The “PICO” ruling identifies a book that is “pervasively vulgar”, e.g., a skunk in the crawl space pervades the whole house, or even if “the vulgarity is concentrated in a single poem, a single chapter or a single page, yet still be inappropriate.”

The CLN decision on the disposition of the submitted RRMF, whether made by staff to relocate or remove the item or by the board review, shall be implemented by CLN staff and the RRMF submitter notified of the decision within 5 business days of the CLN decision. If the RRMF submitter is not satisfied with the decision or believes the review overlooked important aspects, they may submit an appeal to the board of trustees in writing, within ten business days of receipt of the original RRMF decision, explaining what they believe was overlooked in the review. The board will consider the appeal at the next board meeting and make a final decision on the matter. The RRMF submitter shall be notified of the final decision within 5 business days of the board’s final decision. An item will be evaluated for reconsideration only once in a 12 month period unless the board determines sufficient new compelling evidence is introduced.]

Review of Policy

This policy will be reviewed and revised every three years or updated as necessary. Approved by the Community Library Network Board of Trustees, November xx, 2023.



Request for Reconsideration of Material

Revised 5/5/2024

Title: _____

Author: _____

Publisher: _____ Copyright Date: _____

Have you read the Community Library Network's Material Selection and Material Withdrawal policies? Yes____ No____

Is this request for review of material you consider "harmful to minors"? Yes ____ No ____

Note: Harmful to Minors is defined in Idaho Code section 18-1514:

18-1514. OBSCENE MATERIALS -- DEFINITIONS. *The following definitions are applicable to this act:*

1. *"Minor" means any person less than eighteen (18) years of age.*
6. *"Harmful to minors" includes in its meaning the quality of any material or of any performance or of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sado-masochistic abuse, when it:*
 - (a) *Appeals to the prurient interest of minors as judged by the average person, applying contemporary community standards; and*
 - (b) *Depicts or describes representations or descriptions of nudity, sexual conduct, sexual excitement, or sado-masochistic abuse which are patently offensive to prevailing standards in the adult community with respect to what is suitable material for minors and includes, but is not limited to, patently offensive representations or descriptions of:*
 - (i) *Intimate sexual acts, normal or perverted, actual or simulated; or*
 - (ii) *Masturbation, excretory functions or lewd exhibition of the genitals or genital area. Nothing herein contained is intended to include or proscribe any matter which, when considered*

as a whole, and in context in which it is used, possesses serious literary, artistic, political or scientific value for minors
7. "Material" means anything tangible which is harmful to minors, whether derived through the medium of reading, observation or sound.

What objections do you have to the material? Please cite page numbers, chapters or sections.

What are your reasons for finding the material offensive? Indicate whether or not you feel the material is objectionable for all readers/listeners/viewers or a particular age group. Please indicate your objections as completely and specifically as possible.

How could your concerns about the resource be resolved?

Withdrawal of Material from CLN collection _____ Relocation of material _____

Reclassification of material (if non-CLN) _____ Other (describe) _____

Signature: _____ Date: _____

Name: _____ Phone: _____

Address: _____

Email address: _____

The completed form will be given to the Library Director who will review the form for evaluation and recommendations. If additional action is warranted, the Request for Reconsideration of Material form will be submitted to the Board of Trustees for action. The patron will be notified of outcome.

Form received by (staff member): _____ Date: _____



CITIZEN'S REQUEST FOR RECONSIDERATION OF MATERIALS FORM

This form can be used to request reconsideration of Materials the Community Library Network makes available. If your request is made pursuant to Idaho Code § 18-1517B, the “Children’s School and Library Protection Act,” and you are alleging that the Material is Material Harmful to Minors, fill out and submit Section 1 and Section 2 of this form. Doing so will constitute the Written Notice required by Idaho Code § 18-1517B (3). If you are not alleging the Material is Material Harmful to Minors, you only need to fill out and submit Section 1.

Submit a completed Request for Reconsideration of Materials or Written Notice by any of the following means. Only one means of submission is required.

1. Physical mail to: Community Library Network
ATTN: Collection Development / Technical Services Coordinator – Material Challenge
C/O Hayden Library
8385 N Government Way
Hayden Lake, ID 83835
2. E-mail to: materialchallenge@communitylibrary.net
3. In-person, the completed Request for Reconsideration of Materials or Written Notice can be given to a Library staff member at any service desk at all Community Library Network locations.

Upon submission of this form, it will become a public record. The Community Library Network will evaluate if any redactions to personal information contained in the form are required by Idaho law prior to making the completed form publicly available.

Please fill out the requested information to the best of your ability. The information you provide will be an important part of the Community Library Network’s review of the Materials. If you need additional space to answer the questions, you may attach additional pages.



SECTION 1 – REQUEST FOR RECONSIDERATION OF MATERIALS

Information about the Material

Title: _____

Author/Performer: _____

Publisher: _____

Copyright Date: _____

1. What objections do you have to the Material? Please be specific. For example, cite pages, chapters, sections or specific passages.

2. Have you read, listened or viewed the entire Material? Y / N
If not, what parts did you read, view or listen to?

3. What do you feel would be the result of reading, viewing, or listening to this Material?

4. What parts of the Material do you think are accurate and valuable?

5. What do you believe the theme of this Material to be?

6. Are you aware of judgments of this Material by professional critics?

7. For what age group would you recommend this Material?



8. What action are you requesting the library take regarding this Material?
9. Is there additional information that the Library Board should be aware of while reviewing your request?
10. Are you a minor? Y / N
11. Are you filing this request on behalf of a dependent minor? Y / N
12. Do you represent an organization? Y / N If so, which organization?
13. Do you have legal representation? Y / N If so, who are they and how do we contact them?
14. Are you a Community Library Network cardholder? Y / N
15. Did you obtain the Material from the Community Library Network? Y / N
16. Did you check out, request, or use the Material that is the subject of this request? Y / N

By signing this section of the form, I understand that I am making a formal request to the Community Library Network about a Material they have made available. I acknowledge that this document will become a public record as soon as it is received by library staff.

Member Signature: _____ Date: _____

Name: _____ Phone: _____

Address: _____

Email address: _____

Preferred means of contact: _____



SECTION 2 – COMPLAINTS ALLEGING MATERIAL HARMFUL TO MINORS

FILLING OUT AND SUBMITTING THIS SECTION OF THE FORM CONSTITUTES WRITTEN NOTICE PURSUANT TO THE “CHILDREN’S SCHOOL AND LIBRARY PROTECTION ACT.”

Initial this box and fill out this section if you intend for this form to constitute Written Notice pursuant to Idaho Code § 18-1517B (3). By initialing this box, you affirm your belief that the Materials are Harmful to Minors as defined by Idaho Code and Community Library Network policy, and you request the Materials be relocated to a section designated for adults only within sixty (60) days of the Community Library Network’s receipt of this notice.

Idaho Code defines material harmful to minors as: “Harmful to minors” includes in its meaning the quality of any material or of any performance or of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sado-masochistic abuse, when it:

- (a) Appeals to the prurient interest of minors as judged by the average person, applying contemporary community standards; and
- (b) Depicts or describes representations or descriptions of nudity, sexual conduct, sexual excitement, or sado-masochistic abuse which are patently offensive to prevailing standards in the adult community with respect to what is suitable material for minors and includes, but is not limited to, patently offensive representations or descriptions of:
 - (i) Intimate sexual acts, normal or perverted, actual or simulated; or
 - (ii) Masturbation, excretory functions or lewd exhibition of the genitals or genital area. Nothing herein contained is intended to include or proscribe any matter which, when considered as a whole, and in context in which it is used, possesses serious literary, artistic, political or scientific value for minors[.]” Idaho Code § 18-1514(6).

The following sub definitions found in Idaho Code § 18-1514 apply to the above definition of “harmful to minors:

“Minor” means any person less than eighteen (18) years of age.

“Nudity” means the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a full opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.

“Sexual conduct” means any act of masturbation, homosexuality, sexual intercourse, or physical contact with a person’s clothed or unclothed genitals, pubic area, buttocks or, if such person be a female, the breast.

“Sexual excitement” means the condition of human male or female genitals when in a state of sexual stimulation or arousal.



“Sado-masochistic abuse” means flagellation or torture by or upon a person who is nude or clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one who is nude or so clothed.

“Material” means anything tangible which is harmful to minors, whether derived through the medium of reading, observation or sound.

“Performance” means any play, motion picture, dance or other exhibition performed before an audience.

“Promote” means to manufacture, issue, sell, give, provide, deliver, publish, distribute, circulate, disseminate, present, exhibit or advertise, or offer or agree to do the same.

“Knowingly” means having general knowledge of, or reason to know, or a belief or reasonable ground for belief that warrants further inspection or inquiry.

“School” means any public or private school providing instruction for students in kindergarten through grade 12.

Complainant’s Information: Name: _____

Address: _____

Please fill out Section I of this form. The information you provide will be an important part of the Community Library Network’s review of the Materials.

1. How did you, or your dependent Minor, obtain the Material? Please include the format of the Material and the Community Library Network location the Material was obtained.
2. In what ways do you believe the challenged Material meets the definition of Material Harmful to Minors? Please state the basis of the claims and provide all explanation that may be helpful.
3. How does the Material appeal to the prurient interests of minors, as judged by the average person applying contemporary community standards?
4. In what ways is the Material patently offensive to prevailing standards in the adult community with regard to what is suitable for Minors?
5. Does the Material, when considered as a whole and in the context in which it is used possess serious literary, artistic, political or scientific value for Minors? Why or why not?

By signing this section of the form, I understand that I am making a formal complaint to the Community Library Network about a Material they have made available. I acknowledge that this document will become a public record as soon as it is received by library staff.

Signature _____ Date _____