

Board Packet

6.11.24 Board Meeting



MATERIALS SELECTION AND ACQUISITION POLICY
DRAFT
06/06/24

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 acquisitions of materials, 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" 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" 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 juvenile, teen, and young adult-collections, "appropriateness" means a determination of whether such content is, in the opinion of the Board or Library staff, "Materials Inappropriate for 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.

Reports

A monthly Excel report of all new cataloged material added to the CLN library collection, whether purchased or donated, shall be provided to all library trustees. The monthly report shall be for the month preceding

each regular monthly board meeting. The electronic Excel file shall be included in the board agenda packet posted on the CLN website.

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 6-06-24

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

Request for 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.]

Request for Relocation of Material Harmful to Minors

A "Request for Relocation of Material Harmful to Minors" form (the form) may be filled out and submitted by any minor who obtains material, or parent or legal guardian whose child obtained material, in violation of the provisions of Idaho Code Section 18-1517b(2) from the Community Library Network.

A completed form is submitted to CLN per the instructions on the form. The CLN staff, at the direction of the Library Director, shall review the form, and material in question, and recommend a disposition within ten business days of receipt. If the recommendation is to relocate the material because it is deemed Harmful to Minors, the relocation shall be accomplished immediately. If the recommendation is to not relocate the material because it is not deemed Harmful to Minors, the case shall be submitted to the CLN Board of Trustees for their review and a decision rendered no later than 60 days from the date the form was originally received. The material in question shall not be removed from its assigned location during the review process (except as necessary for examination during this process).

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. The board's decision is final. An item is eligible for will be evaluated for reconsideration only once in a 12 month three-year 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

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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 _____~~

Did a minor obtain material considered harmful to minors?

Are you the minor or parent/guardian of the minor who received the material?

Did the material received meet the following definition?

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.

Was the material received from a CLN library?

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Are you requesting the material be relocated?

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: _____