



**TOWN OF
CAPE CHARLES**

AGENDA TITLE: Library Material Reconsideration Procedure

AGENDA DATE
January 19, 2023

SUBJECT/PROPOSAL/REQUEST: Approval of Library Material Reconsideration Procedure

ITEM NUMBER:
9D

ATTACHMENTS: Library Material Reconsideration Procedure, Reconsideration Request Form, Collection Development Policy

FOR COUNCIL:
Action (X)
Information ()

STAFF CONTACT (s):
John Hozey, Town Manager

REVIEWED BY:
John Hozey, Town Manager

BACKGROUND:

Last Fall a patron of the library approached the Library Manager with a concern about the appropriateness of one of our collection materials. This patron asked for the procedure to request that this piece be removed from the library's collection. This was a very unusual request, not something we've seen in recent years, and so the process to consider such a removal required review. The Library Board met to discuss this matter and on December 16, 2022, they approved the attached procedure.

ITEM SPECIFICS:

While it is not typical for the Town Council to involve itself in the internal operations of any Town department, staff felt that this situation qualifies as an exception. In recent years, there has been a sharp rise in public sensitivity over political correctness and what constitutes offensive expression. At the same time, there has been a corresponding increase in concern over expanded government censorship and the right to freedom of expression. Therefore, this topic tends to transcend a normal administrative function, and moves instead into the realm of political philosophy for the jurisdiction. This makes the matter better suited for consideration by an elected body over appointed staff or board members.

That said, staff does wish to offer a few thoughts for consideration. A public library is open to the entire public, from small children to senior citizens, of all backgrounds and beliefs. The materials offered in such a collection must consider this full range of potential users. However, determining suitability for certain user groups is also a very slippery slope. Therefore, a well thought out collection development policy should be established. Such a development policy should never censor specific items, themes, or ideas; but rather provide broad guidance about the goals for the entire collection.

If there is ever an objection to a particular item in the collection, that item should then be judged only against the overall collection development policy, as to whether it serves the goals for the collection; and not judged against the personal sensitivities of any individual, or group of individuals.

Staff believes that the attached Library Board policy is a fine effort. There is just one suggestion we would like to offer. In an effort to minimize personal sensitivities, so that we can remain focused on the larger collection goals, staff would recommend that requests for removal of items require a petition from multiple patrons, not just a single member. Perhaps we could require a petition of at least 10 signatures (equivalent to about 0.5% of all library members) in order to initiate the review process.

RECOMMENDATION:

The Council is requested to approve the library material reconsideration procedure as is; amend the procedure and then approve it; or remand the procedure back to the Library Board for additional revision (with guidance).

Cape Charles Memorial Library

Material Reconsideration Procedure

The Cape Charles Memorial Library (CCML) will maintain a process for ensuring requests for reconsideration of library materials are handled in an attentive and consistent manner. Any library user has the right to request reconsideration of library materials and resources. A **Request for Reconsideration of Library Material Form** is available at CCML, on the CCML website, and at each Eastern Shore Public Library (ESPL) location.

The reconsideration process begins with a discussion between the patron and the Library Manager, allowing the reader to explain objections to the material and the Library Manager to explain the library's collection development practices and to answer any questions.

The following steps will be used when an individual feels that further action is necessary to address concerns about a library resource. For the duration of this process, the material in question will remain in circulation in the library collection.

1. A concerned patron who is dissatisfied with earlier informal discussions will be referred to the related section of the library's website that includes the library's Mission Statement, Collection Development Policy, Request for Reconsideration of Library Materials Form and the Library Bill of Rights
2. Patrons are required to complete and submit the official Request for Reconsideration of Library Material form to the Library Manager via mail or email. Only requests from Accomack or Northampton residents will be considered. Proof of residency may be required.
3. The Manager will form a reconsideration committee. The manager will strive to have five professional library staff or librarians from Accomack and/or Northampton Counties (employed or retired) and/or other persons who bring particular knowledge and competencies in the area. The committee will review the Reconsideration Form and the material in question, to consider whether its selection follows the criteria stated in the Collection Development Policy.
4. The committee's recommendation is to be an objective evaluation of the material *within the scope of CCML's Collection Development Policy*.
5. The committee's report, presenting both majority and minority opinions, should be presented to the Library Manager, with a recommendation to retain the material in its original location, to relocate the material, or to remove the material. The recommendation may differ from these three possibilities depending on the type of resource being challenged.

6. Within thirty (30) days of receipt of the patron's Request for Reconsideration Form, the Manager will make a decision utilizing the recommendations of the reconsideration committee and send a letter to the concerned person who requested the reconsideration, stating the reasons for the decision. The Manager will also send a copy of the letter and the committee's report and the original Request for Reconsideration of Library Materials Form to the Library Board.
7. If the appellant is not satisfied with the decision, a written appeal may be submitted within 10 business days to the CCML's Board of Trustees.
8. If the Board plans to address the appeal at their Board Meeting, the appellant will be notified of when and where the meeting will be held.
9. The appellant may provide written documentation and may make a statement. The Board of Trustees may then ask questions, provide comments and conduct a discussion. CCML Board Meetings are public, but spectators may not participate in the discussion, only the appellant. The Board of Trustees reserves the right to limit the length of public comments.
10. A quorum of Library Trustees will make a decision about the item by considering the Request for Reconsideration of Library Materials, the Collection Development Policy, and the recommendations of the reconsideration committee. The Board will communicate their decision, in writing to the Appellant within forty-five (45) days.
11. The decision of the Board is final.
12. In the event that a Material Reconsideration Form is filed on an item that has been previously reviewed by the reconsideration committee, as a result of an earlier filing, the Library Manager may, at his or her discretion, decline to convene another committee and may reply with a copy of the previous finding attached to a cover letter explaining the circumstances.
13. If the Board of Trustees has heard an appeal of a decision of the Library Manager and the recommendation committee concerning an item, and rendered a decision thereon, the Board may, at its discretion, decline to hear another appeal on the same item, and may reply with a letter explaining the circumstances.

CCML supports the American Library Association's Bill of Rights, Freedom to Read, Free Access to Libraries for Minors, and Freedom to View Statement.

Adopted by CCML Board of Trustees: December 16, 2022

Policy Revised:
January 11, 2023

Cape Charles Memorial Library

REQUEST FOR RECONSIDERATION OF LIBRARY RESOURCES

The Eastern Shore Public Library Board of Trustees has delegated the responsibility for selection and evaluation of library resources to the Library Director and has established reconsideration procedures to address concerns about those resources. Completion of this form is the first step in those procedures. If you wish to request reconsideration of library resources, please return the completed form to the ESPL Library Director.

Date _____

Name (First, Last) _____

Address _____

City _____ State _____ Zip _____

Phone _____ Email _____

Do you represent self? _____ Organization? _____

1. Resources on which you are commenting
- _____ Book _____ Video _____ Display
_____ Magazine _____ Library Program
_____ Audio Recording _____ Newspaper
_____ Other _____

Title _____

Author/Producer _____

2. What brought this resource to your attention?

3. Have you examined the entire resource? i.e. read the whole book

4. What concerns you about the resource?

5. Are there resource(s) you suggest to provide additional information and/or other viewpoints on this topic?

Signature: _____

Revised by the American Library Association Intellectual Freedom Committee, June 27, 1995

Cape Charles Memorial Library

Collection Development Policy

Purpose of the Policy

The purpose of the collection development policy is to serve as a guideline for adding to and deleting from the present collection, for collection maintenance, for replacement of lost or worn items, and for the acceptance of gifts. The policy is used to inform library staff, the Board of Trustees, and the public about the collection and the library management principles upon which selections are made. Collection development and management are necessary functions of the library which must be performed regularly in order to provide the public with a current and comprehensive collection. The rising costs of new materials make collection management an important activity for staff as they purchase, replace, or delete materials from the collection.

Library staff regularly:

- Compare library holdings with available titles to determine new purchases
- Track and analyze item usage to decide whether to add or withdraw multiple copies
- Conduct retention reviews to delete out-of-scope, little used, or outdated materials
- Select and transfer low-use materials to storage
- Analyze collection condition and weed damaged materials

A library must be responsive to the needs of the times and the people it serves. This policy will be subject to biennial review and revision. However, no changes will be made that violate the principles contained in the *Library Bill of Rights*, adopted and amended by the Council of the American Library Association, or the *ALA Freedom to Read* Policy Statement.

Mission Statement

The Cape Charles Memorial Library aims to identify, develop, evaluate, select, organize, and maintain high quality information services in a wide variety of print and non-print formats to meet the needs of our diverse community of residents and the students, faculty, and staff of our local schools and strives to develop a diverse, current, and inviting collection of quality print and non-print materials which support the needs of the community and schools.

Responsibility for the Collection and Its Development

The selection of materials for the Cape Charles Memorial Library is the responsibility of the library manager.

Intellectual Freedom and Censorship

The library does not accept the role of censoring the library collection on behalf of any group or individual. In seeking to develop a collection which represents many viewpoints and provides information and entertainment to a range of library users, the library does acquire books and other materials which are not acceptable to the beliefs of everyone.

Libraries are sometimes asked by parents to exercise censorship over the reading of children or young adults by restricting borrowing access or by transferring materials from the youth collection into the adult collection. The library does not accept this role because it is an authority rightly reserved to the parents, and because such a process would reduce the informational and literary content of the youth collection to the detriment of other young people. Patrons who believe that a given item does not belong in the library collection may fill out a form explaining their reasons. This form will be sent to the Board of Trustees which is empowered to take such action if they agree.

Criteria for Selecting Materials and the Selection Process

Book reviews from professional and trade publications are used by staff members for material selection. Materials are rated by staff based on general criteria (ex. literary, educational, informational, and recreational value): the author's reputation and significance as a writer; importance of subject matter for the collection; appearance of material in bibliographies or indexes; price; and availability of material through interlibrary loan. The final decision to purchase is based on the value of the material to the collection and not on the personal tastes of the selectors. The same apply to gift items.

The following selection aids are used by the Cape Charles Memorial Library: *Library Journal*, *Booklist*, *Publisher's Weekly*, *School Library Journal*, and *Voice of Youth Advocates*.

User suggestions for the addition of materials to the library's collection are given particular consideration. If their suggestions do not meet the criteria established by the library for the selection of materials, then efforts will be made to obtain the material through interlibrary loan.

Guidelines for Selection and Use of Materials

1. The Library recognizes that many materials are controversial and that any given item may offend some Library patrons. Selections will not be made on the basis of any anticipated approval or disapproval, but solely on the merits of the work or in relation to building the Library's collections and to serving the interest of all individuals and groups in the region.

Different viewpoints on controversial issues will be acquired including those that may have unpopular or unorthodox positions.

The criteria for selection of materials for the Library's collections will include the following:

- Quality of writing/production
- Importance of subject matter
- Timeliness
- Reputation of the publisher/producers

- Readability and popular appeal
 - Authoritativeness
 - Reputation and significance of the author/artist/composer/producer, etc.
 - Format and price
 - Requests from patrons
 - Recommendation of work in standard review resources or inclusion in standard bibliographies
2. Because the Library serves a public embracing a wide range of ages, educational backgrounds, and reading abilities, it will always seek to select materials of varying complexity.
 3. Library materials will not be marked or identified to show approval or disapproval of the contents, and no item will be sequestered except for the express purpose of protecting it from injury or theft. The use of rare and scarce items of great value may be controlled only to the extent required to preserve them from harm.

Gifts

The Library accepts gifts of library materials for consideration as additions to its collections. Gifts are subject to evaluation according to the same selection standards as materials considered for purchase. The Library reserves the right to use any gift as it sees fit. Upon acceptance, all gifts become the property of the Library.

Gifts of library materials of local authors are subject to the same criteria as all items reviewed for addition to the Library's collections.

Materials of local historical or genealogical interest pertaining to the Library's service area will be accepted as follows:

- Published histories of a general interest
- Deed books, birth, marriage, and death records
- Census records
- Church and cemetery records

The Library does not attempt to acknowledge acceptance of every gift it receives and will do so only at the specific **request** of the donor.

Patron Request for Reconsideration

Any patron has the right to request consideration of an item in the collection. REQUEST FOR RECONSIDERATION forms are available to patrons at the public service desk. The Library supports the American Library Association's (ALA's) Bill of Rights, Freedom to Read, Free Access to Libraries for Minors, and Freedom to View Statement.

Withdrawals/Discards

The Library uses weeding as a collection development tool. Its purpose is to maintain, throughout the system, library collections of high quality that are appropriate in size to the capacity of their locations and that are current, accessible, and appealing to users.

Items are withdrawn from the collection when they are dated, worn, or damaged beyond repair, or if interest in a title or subject has decreased. Withdrawn items will be disposed of through book sales, recycling, or donations. Items deemed unfit for sale or donation will be discarded.

Items are withdrawn from the collection database when they are reported as lost and paid, or are missing for at least one year.

Approved by CCML Board of Trustees: 07/02/2012

Policy Revised: 12/16/2022