

Reconsideration of Library Materials

It is a vital obligation of the public library to reflect, within its collection, differing points of view. Ste. Genevieve County Library does not endorse any particular viewpoint nor does the selection of an item indicate an endorsement of any particular viewpoint.

Materials are evaluated as a complete work and not on the basis of a particular passage. A work will NOT be excluded from the library's collection solely because it represents a particular aspect of life, because of frankness of expression or because it is controversial.

Once an item has been purchased, it will not automatically be removed upon request. The Library has established procedures to ensure objective and fair reconsideration of questioned materials. Anyone who wishes to file a reconsideration request may obtain a **Reconsideration Request Form** from the Library staff. Once the form has been completed it is submitted to the Library Director.

A detailed description of the challenge will be public record and will include the title and result, (the name of the challenger will not) If a title has been submitted within 120 days for another challenge staff can skip this full process. For a full detailed description of this in action see our Challenge Policy.

Request for Reconsideration Policy (Challenge Policy)

Ste. Genevieve County Library materials are selected through the process described in the Library's "Collection Development Policy" This policy states that since the collection reflects contemporary society, it may include material which is controversial or offensive to some. The Library acknowledges that occasionally patrons may have complaints or concerns about individual materials or categories of materials in the Library's collection. The Library will handle complaints, ensuring that the complaint is respectfully heard and that the fundamental principles of intellectual freedom, as expressed in the [Library Bill of Rights](#) and [ALA Freedom to Read Statement](#), are upheld.

Who can file a request for reconsideration?

Challenges will be considered by Ste. Genevieve County Library cardholders who reside in the county, with one challenge per challenge form. Challenges for children's materials, presentations, events and displays is limited to either the parent/guardian of a card holding minor child.

What can be challenged?

Presentations, Events, Materials and displays can all be challenged utilizing the **Reconsideration of Materials form**. However, forms that are not complete will not be considered and the request will not be addressed. Reasons for invalidation may include:

- a. Failing to enter personal information (name, address, phone etc)
- b. Failing to list the reason(s) for the request.
- c. Failure to read and recognize SGCLIB circulation and reconsideration policies.

Complaints shall be handled in the following manner:

1. Informal Complaints

- a. Individuals or groups may initiate complaints about specific titles or types of material in the collection by talking to or writing to a member of the Library staff or the Director.
 - b. Staff or the Director should then offer a Request for Reconsideration of Library Materials Form (appended to this policy), and explain the formal complaint procedure.
 - c. No further action is taken by the Library at this point.
2. Acknowledgement of Request for Reconsideration of Library Materials Form:
 - a. Once a Request for Reconsideration of Library Materials is received by the director, it shall be acknowledged by letter. This letter will contain copies of this policy and the Collection Development Policy.
 - b. If the complaint has checked out the item, no further action will be taken until said item is returned to the Library.
3. Evaluation of Library Materials
 - a. The Director and/or a designated staff member will read, listen to, or view the material in its entirety.
 - b. The director and/or designated staff member shall review the material in relationship to the Library's Collection Development Policy and determine one of several actions:
 - i. Retain the challenged material in the collection
 - ii. Retain the challenged material, but move it to another location.
 - iii. Withdraw the challenged material
4. Notification of Complainant:
 - a. The Director shall write a letter to the complainant stating the decision of the Library, as well as the reasoning behind the decision.
 - b. The letter will include the steps complainant may take if unsatisfied with the decision.
 - c. Pursuant to Rule 15 CSR 30-200.015 the library will publish a copy of the complaint (Minus complainant personal information)
5. Notification of the Board of Trustees:
 - a. The Library Board shall be notified by the Director of any formal complaints, usually through the Director's Monthly Report
6. Reconsideration by the Library Board of Trustees
 - a. If the complainant is not satisfied with the written decision of the Director, he or she may bring the matter to the Board.
 - b. To initiate consideration by the Board, the complainant must write to the Library Director or President of the Board and request that the matter be placed on the agenda of the next regular meeting. The letter must be received at least ten (10) days prior to the next regular meeting of the board. If received after that time, the matter may be deferred until the succeeding regular meeting.
 - c. The Director or Board President shall acknowledge receipt of the complainant's letter in writing, and shall include the date, time, and place of the meeting at which the matter will be considered.

- d. Once the request for Reconsideration is on the agenda, the board shall decide by a majority vote of the members present whether it wishes to further consider the submitted Request for Reconsideration.
 - e. If the Board votes to consider the matter further, an ad hoc review panel will be selected to evaluate the challenged material. A public hearing is set and the matter is placed on the agenda for the next regular meeting.
7. Ad Hoc Review Panel
- a. The ad hoc review panel is composed of at least three members of the Library's Board of Trustees. Members of the review panel:
 - i. Read, listen to, or view the material in its entirety.
 - ii. Review the material in relationship to the Library's Collection Development Policy and the rest of the collection; and
 - iii. Consider what literary critics and reviewers think of the material.
 - b. After coming to individual conclusions, the committee meets to discuss the material and recommend one of several actions to the Board of Trustees, with reference to the fundamental principles of intellectual freedom:
 - i. Retain the challenged material in the collection
 - ii. Retain the challenged material, but move it to another location
 - iii. Withdraw the challenged material.
 - c. At the regular meeting of the Board of Trustees at least (10) days after the Director's receipt of the decision of the ad hoc review panel, the Board shall consider the recommendation of the ad hoc review panel.
 - d. The Board of Trustees may schedule a public hearing as part of a regular Board meeting or at a special meeting called to address the Request for Reconsideration. Said meeting shall be properly noticed, and the director shall issue a news release to inform citizens of the date, time and nature of the public hearing.
 - e. The Board of Trustees shall vote on the disposition of the challenged material. A majority vote of the full Board is required to remove materials from the Library's collection, to move materials from one location to another, or to otherwise restrict access to materials.
 - f. The decision of the Board of Trustees is final. Whatever the decision, the principles of the Library Bill of Rights will be reiterated, as well as how the decision is in accordance with those principles.

Reconsideration requests/challenges are considered a "library record" the disclosure of which is prohibited by RSMO 182.817. Therefore, within the library's policy/procedure any identifying information from Challenge forms is redacted from published results.

Constitutional principles libraries work under regarding banning books, etc.:

1. Children also have 1st Amendment rights: *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503 (1969)
2. 1st Amendment rights include access to information: *Board of Education v. Pico*, 457 U.S. 853 (1982)
3. Suitability for minors must be judged according to appropriateness for the oldest minors (17 year olds) not younger ages: *American Booksellers Assn. v. Virginia*, 882 F.2d 125, 127 (4th Cir. 1989), cert. denied, 494 U.S. 1056 (1990) and *American Booksellers v. Webb*, 919 F.2d 1493, 1504-05 (11th Cir.), cert. denied, 494 U.S. 1056 (1990).
4. The value of the work must be considered as a whole, not just focused on the most worrying parts: *Miller v. California*, 413 U.S. 15 (1973)
5. Courts have laid out standards for censoring in any public forum, including a public library (“a limited or designated public forum”). See, e.g. *Sund v. City of Wichita Falls, Tex.*, 121 F. Supp. 2d 530, 547 (N.D. Tex. 2000).
 - a. Removal based on viewpoint is strictly prohibited.
 - b. If removal is based on content, governmental entity must establish that the removal of material meets strict scrutiny.
 - i. Strict scrutiny test: (1) compelling interest; (2) narrowly tailored to achieve compelling interest; and (3) no less restrictive alternative.

Board of Education v. Pico, 457 U.S. 853 (1982): “[i]f petitioners intended by their removal decision to deny respondents access to ideas with which petitioners disagreed, and if this intent was the decisive factor in petitioner’s decision, then petitioners have exercised their discretion in violation of the Constitution.” *Id.* At 871

Obscenity is defined in the “Miller test”: *Miller v. California*, 413 U.S. 15 (1973)

Test: (1) that the average person, applying “contemporary community standards” would find the work, as a whole, appeals to the “prurient interest,” (2) that the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law, and (3) that the work, taken as a whole, lacks serious literary, artistic, political or scientific value. *Miller v. California*, 413 U.S. 15 (1973)(emphasis added).

Harmful to Minors is defined: *Ginsberg v. New York*, 390 U.S. 629 (1968), and also see citations in point 3) above.

The test parallels the Miller test, but the considerations are in the context of offensiveness and serious value for minors. *Ginsberg v. New York*, 390 U.S. 629 (1968). Determination must be made in the context of whether the material would be harmful to the oldest of minors. Material cannot be deemed harmful to minors if it would be constitutionally protected for a seventeen-year-old even if one might conclude that it was “harmful” for a five-year old.