

Needs Assessment Survey
VLA Intellectual Freedom Committee

Dear fellow VLA Members:

Please take a few minutes to fill out this survey. The purpose of this is for us to find out how to better meet your intellectual freedom needs. We want to know how to reach you more effectively, and to also provide you with timely materials, and services concerning intellectual freedom issues. When you are finished, please cut out this page and mail it to:

VLA - IFC Survey
c/o Linda Hahne, Executive Director
PO Box 8277
Norfolk, Virginia, 23503-0277

Thanks for your help!

1. Would you like a quarterly newsletter of various activities/issues concerning Intellectual Freedom in Virginia and the U.S.?

Yes _____ No _____

2. Do you find the Intellectual Freedom Manual helpful?

Yes _____ No _____

Please give us some ideas you would like to see in the manual or how it can be improved.

3. How often have you visited our Web site?

1 time _____ More than 5 times _____ Never _____

How can it be improved? Comments:

4. What types of information would you want to receive/have access to from the IF Committee? (*Circle all that apply*)

- a) Internet Sites on IF issues
- b) Updates on Legislation affecting various IF issues
- c) Report of titles of materials challenged each year in the Commonwealth
- d) Resources for handling material challenges
- e) Other / Comments:

VLA

Virginia Library Association

The Intellectual Freedom Committee

The Intellectual Freedom Manual 1999

*Members of the VLA Intellectual Freedom Committee
are responsible for the production of this manual*

Additional copies of this manual can be obtained from the Virginia Library Association

The complete manual enhanced with additional material and links to relevant sites may also be obtained on the IFC web site: <http://www.vla.org/IFC/IFC.htm>

The Virginia Library Association and its Intellectual Freedom Committee would like to thank **Elliot and Eleanor Goldstein founders of SIRS, Wendy Ostrow, SIRS Awards Coordinator and Tom Brickel** [please add any names you feel are needed] for their interest in issues of intellectual freedom all over the United States, and for printing this manual for VLA.

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Introduction

Intellectual Freedom embodies the right of all people to believe what they want to believe, and to explore, discuss, express, and even change those beliefs. Libraries have historically collected, cataloged, and made available information in a variety of formats to support the exploration of ideas. Providing unrestricted access to ideas and information is central to intellectual freedom and freedom of expression.

A censor is a person or group, official or unofficial, who examines creative expressions for qualities which are objectionable on various moral, political, military, or other grounds. An official censor, for example, might use military codes or procedures to screen sensitive government documents before distribution. An unofficial censor might attempt to edit or restrict use of a video or children's book based on his or her own moral code, or try to close an exhibit of sculpture based on his or her definition of decency.

A censor sometimes attempts to restrict use of information or access to ideas on the grounds of sustaining the status quo, preserving freedom, or preventing moral decay. Such a person is usually quite sincere in his or her intentions. From time to time any of us may feel sure, regardless of ideological background, that our opinion is the only correct one. Censorship occurs when we wish to silence any opinion but our own.

The rights of individuals to free speech, free press, and free expression is protected by the United States Constitution. George Mason, father of the Virginia Declaration of Rights, which became the model for the United States Bill of Rights, wrote “. . .The freedom of the press is one of the great bulwarks of liberty, and can never be restrained but by despotic governments.” James Madison said “. . . A popular government, without popular information or the means of acquiring it, is but a prologue to a farce or tragedy, or perhaps both.” A democracy can only succeed if its citizens have access to the information necessary to form opinions and make decisions on issues affecting their lives. Free access to this information is a fundamental right of free citizens. Librarians have a crucial role to play in this democratic dialogue, and this role is often an uncomfortable and challenging one. On occasion we must deal with patrons who are quite upset or unhappy and who honestly believe that they are helping to protect the best values of American society itself.

However difficult the situation, librarians have a singular responsibility to uphold the principle of free and open access to materials in their collections. It is fundamental to the role of librarians to support the rights of all readers to explore for themselves the many paths leading through the world of ideas. Equally fundamental is resisting efforts of censors to decide for others just how wide that world should be. The freedom of expression and the freedom to read are distinctly found in the function of the library. Librarians do not advocate or endorse every idea made available through their libraries. Their collections reflect diversity and present alternative points of view in an effort to provide the fullest possible access to information.

The VLA Intellectual Freedom Manual has been designed as a practical document for dealing with issues of First Amendment rights. It contains guidelines for dealing with censorship issues, as well as a list of national and state organizations which may provide assistance in the event of a censorship challenge. Many libraries are already prepared for material challenges with selection policies and established procedures for handling complaints which are supported by the appropriate level of administration and governing bodies. For libraries that have yet to establish such policies and procedures, this manual offers resources to help them get started. We also recommend purchasing the *Intellectual Freedom Manual* from ALA, which contains excellent in-depth information about the philosophical basis for intellectual freedom and First Amendment rights, with particular relevance to libraries.

The Virginia Library Association's Intellectual Freedom Committee welcomes suggestions, comments, and corrections regarding this manual. We are available as a resource and a support group for libraries across the Commonwealth. We look forward to helping Virginia librarians make intellectual freedom a vital part of the foundation upon which they build their service to our society.

Preparing for Material Challenges

Libraries frequently receive complaints from individuals about materials considered objectionable. Advance planning is the best defense against potential censorship challenges. The following guidelines will allow librarians to handle censorship challenges more effectively. These guidelines are sufficiently general in character to be adaptable in the case of school libraries as well as public libraries.

1. Prepare and maintain a written Materials Selection Policy. It should be endorsed by the library's governing authority and address basic policies concerning collection development, including the selection, acquisition, and reconsideration of all library materials. Consult the Library of Virginia, ALA's Collection Development and Policy Committee, VLA's Collection Development Forum, or the bibliography at the end of this manual for resources to aid in developing a selection policy.
2. Develop and maintain a written Library Service Policy covering registration, programming, free distribution of materials, bulletin boards and displays, meeting rooms, and all library activities and services which might have an impact on access to materials or facilities. ALA has many resources to help develop such a policy.
3. Develop and maintain a clearly defined procedure for handling complaints. Be sure to specify that the complaint must be filed in writing and signed. (See sample Request for Reconsideration of Library Materials form, p. 12.) This form should be readily available to anyone who objects to the content of material in the library.
4. Instruct the public service staff in the correct procedure for handling censorship complaints. Emphasize the need to be calm, objective, and courteous to the complainant. Staff should know the designated person to whom complainants should be referred (library director, assistant director, reference librarian, librarian in charge, etc.) Use in-service training to acquaint staff with the Materials Selection Policy, Library Service Policy, and procedures.
5. Develop open communications with civic, religious, educational, and political groups. When library staff members address community organizations they should emphasize the library's selection process and intellectual freedom principles. Know whom to contact for support in your community in the event of a censorship problem.
6. Be aware of any current legislation pertaining to intellectual freedom and First Amendment rights. Also, be aware of those organizations that support intellectual freedom principles and objectives. (See Statewide Directory p. 10.) Know what legal counsel is available to the library and its staff through its administrative body.

How To Handle Material Challenges

Although advance preparation won't eliminate material challenges, having established procedures in place creates a system that will allow you to deal professionally with complaints. Most censorship incidents begin with an objection to a specific work. If the complainants are unsuccessful in getting the item banned, they may try to change the library's selection policy, or ask the library to establish a policy of restricted access. When a complaint is made, these steps are recommended:

1. Listen calmly and courteously to the complaint. Try to resolve the complaint informally at the point of initial contact, and try to defuse the situation without committing the library to any specific course of action. Remember that the patron has the right to express a concern, but may not be interested in making a written complaint. Communication between the librarian and the patron at this point may result in educating the patron in the need for diversity in library collections, and may also get the complaint dropped without going further.
2. If the patron is adamant about pursuing the complaint, refer the patron to the designated librarian who handles these problems in your library. The librarian will follow established procedures, which should include providing the patron with a copy of the *Library Bill of Rights*, in the case of school libraries a copy of the *AASL's Access to Resources and Services in the School Library Media Program*, a copy of the library's Materials Selection Policy, and a Request for Reconsideration of Library Materials form (see pp. 19, 23, and 12) as well as discussing the concepts of intellectual freedom as guaranteed in the First Amendment and the *Library Bill of Rights*.
3. If the situation cannot be resolved verbally, initiate the reconsideration procedure, which is part of the Materials Selection Policy. This process will vary from library to library, but should in all cases be applied uniformly and fairly, and allow for expeditious resolution.
4. During the reconsideration procedure, keep the challenged materials on the shelves and accessible to borrowers under the established Library Service Policy.
5. Inform the library's governing body about the complaint. Also, report the incident to the VLA Intellectual Freedom Committee (see Report Challenged Material Form, p. 15). It is important that all challenges in the Commonwealth be reported to the VLA-IFC so that records of challenged titles can be maintained. The Intellectual Freedom Committee monitors challenges across the Commonwealth to ensure that any organized campaigns against a particular work are noted. Information on the library receiving the complaint or the individual making the complaint are not requested or compiled.
6. Once the complaint has been reviewed according to procedure, communicate the results of the reconsideration process to the complainant in writing, explaining both the re-evaluation procedure and the justification for the final decision. The final decision should be based upon the standards and aims set forth in the library's Materials Selection Policy.

7. If the incident becomes a public issue, work with local library administrators to seek support of the local press. The VLA Intellectual Freedom Committee and other organizations noted in this manual can help in suggesting methods of responding to censorship challenges.
8. If necessary, seek legal advice through the library's governing body.

Challenge Support Organizations

Intellectual Freedom Committee of VLA

The Intellectual Freedom Committee of the Virginia Library Association consists of at least seven members appointed for two-year terms.

Committee responsibilities include:

1. Keeping VLA abreast of abridgments of intellectual freedom whenever they may occur in the Commonwealth, and recommending those actions by the committee or VLA board as may be necessary to safeguard intellectual freedom in Virginia libraries, to include letters, media releases, representation at meetings, speakers, etc.
2. Monitoring pertinent intellectual freedom issues before the American Library Association and reporting items of interest to VLA.
3. Working to develop standards and procedures for handling complaints through the development of the IFC manual, and developing educational programs for VLA membership use, such as plans for support of Banned Books Week and Freedom of Information Day.
4. Serving as a clearinghouse for challenges to intellectual freedom in Virginia and acting as a support organization for librarians in the midst of those challenges.
5. Administering the biennial VLA/SIRS Intellectual Freedom Award.
6. Creation, upkeep, and expansion of the Intellectual Freedom Webpage.
7. Creation, upkeep, and expansion of the Intellectual Freedom Manual.

The IFC does not provide legal or financial assistance in censorship challenges. If procedural assistance is required, contact the IFC chair through the VLA office below:

VLA
c/o Linda Hahne, Executive Director
PO Box 8277
Norfolk, Virginia, 23503-0277
Phone: (757) 583-0041
Fax: (757) 583-5041
<http://www.vla.org>
email: hahne@belatlantic.com

VLA/SIRS Intellectual Freedom Award

The Intellectual Freedom Committee of the Virginia Library Association administers the VLA/SIRS Intellectual Freedom Award which is donated by SIRS, Inc.

The award is presented every other year at the annual VLA conference to a recipient selected by the committee. The award consists of \$500, a plaque to the recipient, and \$500 to a library of the recipient's choice. The award will only be given in those years when the committee feels one is justified.

The award was presented to Harvey Eluto, a founder of Virginians Against Censorship in 1993 and to Mainstream Loudoun in 1995. The next award is scheduled for Fall, 1999.

Anyone who is actively promoting intellectual freedom in Virginia is eligible for the award (excluding members of the VLA Intellectual Freedom Committee). Activities within the past five years are eligible. Nominations may be made by anyone in Virginia. Both individuals and groups are encouraged to nominate themselves.

Nominees will be judged on the role they have played in actively promoting intellectual freedom in their sphere of influence and beyond; on the degree to which they exemplify the spirit of intellectual freedom; and on the impact of their efforts to promote intellectual freedom and challenge censorship.

Each nomination should contain extensive support documentation including written, approved, and implemented policies and procedures relating to intellectual freedom; a description of intellectual freedom programming activities; documented reports of the role the nominee has played in promoting intellectual freedom, and any other relevant information.

For nomination forms contact:

VLA
c/o Linda Hahne, Executive Director
PO Box 8277
Norfolk, Virginia, 23503-0277
Phone: (757) 583-0041
Fax: (757) 583-5041
<http://www.vla.org>
email: hahne@belatlantic.com

ALA Office For Intellectual Freedom

The American Library Association Intellectual Freedom Committee and its administrative arm, The Office For Intellectual Freedom (OIF), can provide advice, policy statements, and information on professional standards. When asked, the office can intervene directly in local censorship cases. The OIF director is Judith Krug, nationally known for her work on behalf of intellectual freedom issues. Ms. Krug is also the director of the Freedom to Read Foundation (FTRF), a separate but closely linked organization which can furnish financial and legal assistance in many forms to librarians involved with cases of censorship and violations of First Amendment rights.

The OIF publishes the *Intellectual Freedom Manual* (5th ed., ALA, 1996), and the bi-monthly *Newsletter on Intellectual Freedom*. To contact the OIF, the FTRF, or to order materials, call toll-free or write:

American Library Association
Office For Intellectual Freedom
50 E. Huron St.
Chicago, IL 60611
(800) 545-2433 ext. 4223
<http://www.ala.org/oif.html>

Statewide Directory

These groups may be able to provide assistance with censorship challenges:

American Civil Liberties Union of Virginia

6 N. 6th St. Suite 400
Richmond, Virginia 23219
(804) 644-8022
<http://www.aclu.org/community/virginia/va.html>

Association of American Publishers

71 5th Ave.
New York, NY 10003-3004
(212) 255-0200
<http://www.publishers.org>

Library of Virginia

800 E. Broad Street
Richmond, Virginia 23219
(804) 692-3500
<http://www.vsla.edu>

National Association of Elementary School Principals

1615 Duke St.
Alexandria, Virginia 22314
(703) 684-3345
<http://www.naesp.org>

National Association of Secondary School Principals

1904 Association Dr.
Reston, Virginia 22191
(703) 860-0200
<http://www.nassp.org>

National Education Association

1201 16th St. N. W.
Washington, D.C. 20036
(202) 833-4000
<http://www.nea.org>

Office For Intellectual Freedom

American Library Association
50 East Huron St
Chicago, IL 60611
Phone: (800) 545-2433 ext. 4223
<http://www.ala.org/oif.html>

People for the American Way

2000 M. Street, NW, Suite 400
Washington, D.C. 20036
(202) 467-4999
<http://www.pfaw.org>

Thomas Jefferson Center for the Protection of Free Expression

400 Peter Jefferson Place
Charlottesville, Virginia 22911
(804) 295-4784
<http://www.tjcenter.org>

Virginia Education Association

116 S. 3rd St.
Richmond, Virginia 23219
(804) 648-5801

Virginia Educational Media Association Intellectual Freedom Committee

c/o Sylvia Hoskins, Chair
Henderson Elementary School
3799 Waterway Dr.
Dumfries, Virginia 22026
(703) 670-2885
shoskins@pen.k12.va.us

The Center For Democracy And Technology

1634 Eye Street NW, Suite 1100
Washington, DC 20006
(202) 637-9800
<http://www.cdt.org>

Challenge Process Forms

Request for Reconsideration of Library Materials

Our Library's mission is to select and acquire a wide variety of materials for access by all library patrons. The library seeks to provide information on all sides of every issue, even if that issue is a controversial one. Librarians do not serve as censors for any materials or for any age group, since we believe that everyone, regardless of age, should be free to form their own opinion. Therefore we support equal access to all materials in our library collections. The Library values your opinion. If you have an objection to any library material(s), please complete this entire form, outlining your concerns as concisely as possible. A librarian will respond to your inquiry in the near future. Thank you.

Author: _____

Title: _____

Format: Book Video Audio Ct. or CD Periodical

Please answer the following questions concisely: (Use the back side of form or additional paper if necessary.)

1. How did you learn about this material?
2. Did you finish the entire work? If not, what parts were not completed?
3. What are your objections to this material? Please be specific in citing pages or passages.
4. What do you believe might be the result or harm in viewing this work?
5. Is there anything worthwhile in this material?
6. Do you have recommendations for other materials to use in place of this?

----- (for local library response to your suggestions) -----

Your Name _____ Date _____

Address _____

Telephone: Home _____ Work _____

After completing the questions on this form, please return the form to any librarian.

Sample Response Letter

Use this letter to create a standard response letter for your library. It is important that the letter includes reasons why the material has been kept, moved, or removed. When possible, cite the specific source of a review used in the defense of an item. In order for all parties involved in the challenge to be kept informed, send a copy to the librarian who first handled the complaint and the library director as well as to the person issuing the complaint.

Dear _____,

On behalf of the *[name of the library and department if applicable]*, I am writing in response to your comments regarding *[title of material]*. We take comments and suggestions from library users seriously and we appreciate your interest in the library collection.

The *[name of the library]* Library chooses materials to appeal to a wide range of diverse ages, interests, and tastes. Library users have many different opinions and beliefs, and building a collection to serve everyone without including some material that some people may find inappropriate is not possible. The library supports the right of all users to decide for themselves what material is appropriate for themselves and their families.

Based on *[Insert your reasons for keeping, moving, or removing the material here. Reasons should be supportable and clear. Some reasons for keeping an items are critical reviews, quality of writing/production, importance of the work, the popularity of the video (etc.)]*, we have decided to retain *[title of material]* in the library collection.

Thank you for expressing your concerns about *[title of material]*. I hope that you will find the library's collection has many items that suit your tastes. Our library staff is always willing to help users find materials to suit their tastes and interests. I hope that you will feel free to ask them for assistance at your convenience.

Sincerely,

Reporting Challenges to the Intellectual Freedom Committee

The Intellectual Freedom Committee reports each year on the number of items challenged in the Commonwealth to the VLA Executive Council and through the VLA Newsletter. This report provides statistical information about challenge activity to interested members of the association.

Reporting challenges to the Intellectual Freedom Committee enables the committee to judge the extent of challenges throughout the Commonwealth and the frequency of challenges to specific items. The Intellectual Freedom Committee keeps records on the title of the item challenged and the number of items challenged each year. When possible, a brief description of the cause of the challenge is also noted. There is no record of where the item was challenged, in what library the challenge was received, or who made the challenge. In fact, this information is not requested by the committee.

It is important for all libraries in the Commonwealth to report challenge activity so that reliable statistics can be compiled. Please support the efforts of the Intellectual Freedom Committee by supplying the needed information on all challenges to all materials in your library. Accurate data on challenge activity will provide library directors and other interested members of the association with tools to evaluate rates of challenge activity at their particular library and to see if titles which have been of concern for their library are also being challenged elsewhere. The information compiled via this response form will be made available to all who request a copy of the IFC annual report.

Report of Challenged Material Form

The information provided in this form will be used by the Intellectual Freedom Committee to track challenges in the Commonwealth and will be reported to the Office of Intellectual Freedom of the ALA to assist in tracking challenges across the nation. Annually, the IFC makes a report to VLA about challenge activity in the Commonwealth. The information compiled via this response form will be made available to all who request a copy of the IFC annual report.

Date of challenge: _____

Title: _____

Author/Editor/Producer: _____

Has a complaint reconsideration form been filed? If so, please summarize objection:

Was the material (please circle one) retained moved to another location removed

Please return this form to:

VLA

c/o Linda Hahne, Executive Director

PO Box 8277

Norfolk, Virginia, 23503-0277

Phone: (757) 583-0041

Fax: (757) 583-5041

<http://www.vla.org>

email: hahne@belatlantic.com

Professional Statements Regarding Intellectual Freedom

VLA Intellectual Freedom Vision Statement

The Virginia Library Association supports the principle of open access to information and ideas regardless of the medium in which they exist. The Association believes that a democracy can only succeed if its citizens have access to the information necessary to form opinions and make decisions on issues affecting their lives. The Association regards access to this information as a right of free citizens. The Association endorses the American Library Association's *Code of Ethics*, Freedom to Read Statements, the *Library Bill of Rights*, and the interpretations of the *Library Bill of Rights*. The Association encourages local library systems to adopt policies consistent with their resources and their mission while supporting these ideals.

Adopted by VLA Library Council June 12, 1998

ALA Code of Ethics

We provide the highest level of service to all library users through appropriate and usefully organized resources; equitable service policies; equitable access; and accurate, unbiased, and courteous responses to all requests.

We uphold the principles of intellectual freedom and resist all efforts to censor library resources.

We protect each library user's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted.

We recognize and respect intellectual property rights.

We treat co-workers and other colleagues with respect, fairness and good faith, and advocate conditions of employment that safeguard the rights and welfare of all employees of our institutions.

We do not advance private interests at the expense of library users, colleagues, or our employing institutions.

We distinguish between our personal convictions and professional duties and do not allow our personal beliefs to interfere with fair representation of the aims of our institutions or the provision of access to their information resources.

We strive for excellence in the profession by maintaining and enhancing our own knowledge and skills, by encouraging the professional development of co-workers, and by fostering the aspirations of the potential members of the profession.

Adopted by the ALA Council June 28, 1995

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Library Bill of Rights

Books and other library resources should be provided for the interest, information and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.

Libraries should provide materials and information representing all current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.

Libraries should challenge censorship in fulfillment of their responsibility to provide information and enlightenment.

Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.

A person's right to use a library should not be denied or abridged because of origin, age, background or views.

Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.

Adopted June 18, 1948. Amended February 2, 1961 and June 23, 1980. Inclusion of "age" reaffirmed January 23, 1996, by the ALA Council.

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Libraries: An American Value

An Intellectual Freedom Statement for the 21st Century

Libraries in America are cornerstones of the communities they serve. Free access to the books, ideas, resources, and information in America's libraries is imperative for education, employment, enjoyment, and self-government.

Libraries are a legacy to each generation, offering the heritage of the past and the promise of the future. To ensure that libraries flourish and have the freedom to promote and protect the public good in the 21st century, we believe certain principles must be guaranteed.

To that end, we affirm this contract with the people we serve:

We defend the constitutional rights of all individuals, including children and teenagers, to use the library's resources and services;

We value our nation's diversity and strive to reflect that diversity by providing a full spectrum of resources and services to the communities we serve;

We affirm the responsibility and the right of all parents and guardians to guide their own children's use of the library and its resources and services;

We connect people and ideas by helping each person select and effectively use the library's resources;

We protect each individual's privacy and confidentiality in the use of library resources and services;

We protect the rights of individuals to express their opinions about library resources and services;

We celebrate and preserve our democratic society by making available the widest possible range of viewpoints, opinions and ideas, so that all individuals have the opportunity to become lifelong learners - informed, literate, educated, and culturally enriched.

Change is constant; but these principles transcend change and endure in a dynamic technological, social and political environment.

By embracing these principles, libraries in the United States can contribute to a future that values and protects freedom of speech, in a world that celebrates both our similarities and our differences, respects individuals and their beliefs, and holds all persons truly equal and free.

ALA Final Draft - September 1998

Endorsed by the Virginia Library Association during the 1998 Annual Conference

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Challenged Materials

An Interpretation of the *Library Bill of Rights*

The American Library Association declares as a matter of firm principle that it is the responsibility of every library to have a clearly defined materials selection policy in written form which reflects the *Library Bill of Rights*, and which is approved by the appropriate governing authority.

Challenged materials which meet the criteria for selection in the materials selection policy of the library should not be removed under any legal or extra-legal pressure. The Library Bill of Rights states in Article I that "Materials should not be excluded because of the origin, background, or views of those contributing to their creation," and in Article II, that "Materials should not be proscribed or removed because of partisan or doctrinal disapproval." Freedom of expression is protected by the Constitution of the United States, but constitutionally protected expression is often separated from unprotected expression only by a dim and uncertain line. The Constitution requires a procedure designed to focus searchingly on challenged expression before it can be suppressed. An adversary hearing is a part of this procedure.

Therefore, any attempt, be it legal or extra-legal, to regulate or suppress materials in libraries must be closely scrutinized to the end that protected expression is not abridged.

Adopted June 25, 1971; amended July 1, 1981; amended January 10, 1990, by the ALA Council.

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Access to Resources and Services in the School Library Media Program

An Interpretation of the *Library Bill of Rights*

The school library media program plays a unique role in promoting intellectual freedom. It serves as a point of voluntary access to information and ideas and as a learning laboratory for students as they acquire critical thinking and problem solving skills needed in a pluralistic society. Although the educational level and program of the school necessarily shape the resources and services of a school library media program, the principles of the *Library Bill of Rights* apply equally to all libraries, including school library media programs.

School library media professionals assume a leadership role in promoting the principles of intellectual freedom within the school by providing resources and services that create and sustain an atmosphere of free inquiry. School library media professionals work closely with teachers to integrate instructional activities in classroom units designed to equip students to locate, evaluate, and use a broad range of ideas effectively. Through resources, programming, and educational processes, students and teachers experience the free and robust debate characteristic of a democratic society.

School library media professionals cooperate with other individuals in building collections of resources appropriate to the developmental and maturity levels of students. These collections provide resources which support curriculum and are consistent with the philosophy, goals, and objectives of the school district. Resources in school library media collections represent diverse points of view and current as well as historical issues.

While English is by history and tradition the customary language of the United States, the languages in use in any given community may vary. Schools serving communities in which other languages are used make efforts to accommodate the needs of students for whom English is a second language. To support these efforts, and to ensure equal access to resources and services, the school library media program provides resources which reflect the linguistic pluralism of the community.

Members of the school community involved in the collection development process employ education criteria to select resources unfettered by their personal, political, social or religious views. Students and educators served by the school library media program have access to resources and services free of constraints resulting from personal, partisan, or doctrinal disapproval. School library media professionals resist efforts by individuals to define what is

appropriate for all students or teacher to read, view, or hear.

Major barriers between students and resources include: imposing age or grade level restrictions on the use of resources, limiting the use of interlibrary loan and access to electronic information, charging fees for information in specific formats, requiring permission from parents or teachers, establishing restricted shelves or closed collections, and labeling. Policies, procedures, and rules related to the use of resources and services support free and open access to information.

The school board adopts policies that guarantee students access to a broad range of ideas. These include policies on collection development and procedures for the review of resources about which concerns have been raised. Such policies, developed by the persons in the school community, provide for a timely and fair hearing and assure that procedures are applied equitably to all expressions of concern. School library media professionals implement district policies and procedures in the school.

Adopted July 2, 1986; amended January 10, 1990, by the ALA Council

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Access For Children and Young People to Videotapes and Other Nonprint Formats

An Interpretation of the *Library Bill of Rights*

Library collections of videotapes, motion pictures, and other nonprint formats raise a number of intellectual freedom issues, especially regarding minors.

The interests of young people, like those of adults, are not limited by subject, theme, or level of sophistication. Librarians have a responsibility to ensure young people have access to materials and services that reflect diversity sufficient to meet their needs.

To guide librarians and others in resolving these issues, the American Library Association provides the following guidelines.

Article V of the *Library Bill of Rights* says, "A person's right to use a library should not be denied or abridged because of origin, age, background, or views."

ALA's *Free Access to Libraries for Minors: An Interpretation of the Library Bill of Rights* states:

The "right to use a library" includes free access to, and unrestricted use of, all the services, materials, and facilities the library has to offer. Every restriction on access to, and use of, library resources, based solely on the chronological age, educational level, or legal emancipation of users violates Article V.

. . . [P]arents - and only parents - have the right and the responsibility to restrict the access of their children - and only their children - to library resources. Parents or legal guardians who do not want their children to have access to certain library services, materials or facilities, should so advise their children. Librarians and governing bodies cannot assume the role of parents or the functions of parental authority in the private relationship between parent and child. Librarians and governing bodies have a public and professional obligation to provide equal access to all library resources for all library users.

Policies which set minimum age limits for access to videotapes and/or other audiovisual materials and equipment, with or without parental permission, abridge library use for minors.

Further, age limits based on the cost of the materials are unacceptable. Unless directly and specifically prohibited by law from circulating certain motion pictures and video productions to minors, librarians should apply the same standards to circulation of these materials as are applied to books and other materials.

Recognizing that libraries cannot act in *loco parentis*, ALA acknowledges and supports the exercise by parents of their responsibility to guide their own children's reading and viewing.

Published reviews of films and videotapes and/or reference works which provide information about the content, subject matter, and recommended audiences can be made available in conjunction with nonprint collections to assist parents in guiding their children without implicating the library in censorship. This material may include information provided by video producers and distributors, promotional material on videotape packaging, and Motion Picture Association of America (MPAA) ratings if they are included on the tape or in the packaging by the original publisher and/or if they appear in review sources or reference works included in the library's collection. Marking out or removing ratings information from videotape packages constitutes expurgation or censorship.

MPAA and other rating services are private advisory codes and have no legal standing*. For the library to add such ratings to the materials if they are not already there, to post a list of such ratings with a collection, or to attempt to enforce such ratings through circulation policies or other procedures constitutes labeling, "an attempt to prejudice attitudes" about the material, and is unacceptable. The application of locally generated ratings schemes intended to provide content warnings to library users is also inconsistent with the *Library Bill of Rights*.

*For information on case law, please contact the ALA Office for Intellectual Freedom.

See also: *Statement on Labeling and Expurgation of Library Materials*, Interpretations of the *Library Bill of Rights*.

Adopted June 28, 1989, by the ALA Council; the quotation from FREE ACCESS TO LIBRARIES FOR MINORS was changed after Council adopted the July 3, 1991, revision of that Interpretation.

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Statement on Labeling

An Interpretation of the *Library Bill of Rights*

Labeling is the practice of describing or designating materials by affixing a prejudicial label and/or segregating them by a prejudicial system. The American Library Association opposes these means of predisposing people's attitudes toward library materials for the following reasons:

1. Labeling is an attempt to prejudice attitudes and as such, it is a censor's tool.
2. Some find it easy and even proper, according to their ethics, to establish criteria for judging publications as objectionable. However, injustice and ignorance rather than justice and enlightenment result from such practices, and the American Library Association opposes the establishment of such criteria.
3. Libraries do not advocate the ideas found in their collections. The presence of books and other resources in a library does not indicate endorsement of their contents by the library.

A variety of private organizations promulgate rating systems and/or review materials as a means of advising either their members or the general public concerning their opinions of the contents and suitability or appropriate age for use of certain books, films, recordings, or other materials. For the library to adopt or enforce any of these private systems, to attach such ratings to library materials, to include them in bibliographic records, library catalogs, or other finding aids, or otherwise to endorse them would violate the *Library Bill of Rights*.

While some attempts have been made to adopt these systems into law, the constitutionality of such measures is extremely questionable. If such legislation is passed which applies within a library's jurisdiction, the library should seek competent legal advice concerning its applicability to library operations.

Publishers, industry groups, and distributors sometimes add ratings to material or include them as part of their packaging. Librarians should not endorse such practices. However, removing or obliterating such ratings -- if placed there by or with permission of the copyright holder -- could constitute expurgation, which is also unacceptable.

The American Library Association opposes efforts which aim at closing any path to knowledge. This statement, however, does not exclude the adoption of organizational schemes designed as directional aids or to facilitate access to materials.

Adopted July 13, 1951. Amended June 25, 1971; July 1, 1981; June 26, 1990, by the ALA Council.

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Policy Concerning Confidentiality of Personally Identifiable Information About Library Users

The ethical responsibilities of librarians, as well as statutes in most states and the District of Columbia, protect the privacy of library users. Confidentiality extends to "information sought or received, and materials consulted, borrowed or acquired," and includes database search records, interlibrary loan records and other personally identifiable uses of library materials, facilities, or services.

The First Amendment's guarantee of freedom of speech and of the press requires that the corresponding rights to hear what is spoken and read what is written be preserved, free from fear of government intrusion, intimidation, or reprisal. The American Library Association reaffirms its opposition to "any use of government prerogatives which lead to the intimidation of the individual or the citizenry from the exercise of free expression...(and) encourages resistance to such abuse of government power...." (ALA Policy 53.4). In seeking access or in the pursuit of information, confidentiality is the primary means of providing the privacy that will free the individual from fear of intimidation or retaliation.

Libraries are one of the great bulwarks of democracy. They are living embodiments of the First Amendment because their collections include voices of dissent as well as assent. Libraries are impartial resources providing information on all points of view, available to all persons regardless of age, race, religion, national origin, social or political views, economic status, or any other characteristic. The role of libraries as such a resource must not be compromised by an erosion of the privacy right of library users.

The American Library Association regularly receives reports of visits by agents of federal, state, and local law enforcement agencies to libraries, where it is alleged they have asked for personally identifiable information about library users. These visits, whether under the rubric of simply informing libraries of agency concerns or for some other reason, reflect an insensitivity to the legal and ethical bases for confidentiality, and the role it plays in the preservation of first Amendment rights, rights also extended to foreign nationals while in the United States. The government's interest in library use reflects a dangerous and fallacious equation of what a person reads with what that person believes or how that person is likely to behave. Such a presumption can and does threaten the freedom of access to information. It also is a threat to a crucial aspect of First Amendment rights: that freedom of speech and of the press include the freedom to hold, disseminate and receive unpopular, minority, "extreme," or even "dangerous" ideas.

The American Library Association recognizes that, under limited circumstances, access to certain information might be restricted due to a legitimate "national security" concern. However, there

has been no showing of a plausible probability that national security will be compromised by any use made of unclassified information available in libraries. Thus, the right of access to this information by individuals, including foreign nationals, must be recognized as part of the librarian's legal and ethical responsibility to protect the confidentiality of the library user.

The American Library Association also recognizes that law enforcement agencies and officers may occasionally believe that library records contain information which would be helpful to the investigation of criminal activity. If there is a reasonable basis to believe such records are necessary to the progress of an investigation or prosecution, the American judicial system provides the mechanism for seeking release of such confidential records: the issuance of a court order, following a showing of good cause based on specific facts, by a court of competent jurisdiction.

Adopted July 2, 1991, by the ALA Council

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See also the Code of Virginia 1950 v.1 p. 481, 2.1-342.

VLA Vision Statement on Access to Electronic Media

The position of the Virginia Library Association on open access to the Internet is a logical extension of its traditional commitment to any resource which has been provided to the public by libraries. The library's primary role in offering Internet resources is not to restrict them, but to offer the public user assistance in locating, interpreting, and appreciating resources. The Virginia Library Association endorses a position of open access and opposes any state or federally mandated restrictions on or of access to the Internet. The Association encourages local library systems to adopt policies consistent with their resources and their mission while supporting these ideals.

Adopted by VLA Library Council June 12, 1998

Access to Electronic Information, Services, and Networks

An Interpretation of the *Library Bill of Rights*

The world is in the midst of an electronic communications revolution. Based on its constitutional, ethical, and historical heritage, American librarianship is uniquely positioned to address the broad range of information issues being raised in this revolution. In particular, librarians address intellectual freedom from a strong ethical base and an abiding commitment to the preservation of the individual's rights.

Freedom of expression is an inalienable human right and the foundation for self-government. Freedom of expression encompasses the freedom of speech and the corollary right to receive information. These rights extend to minors as well as adults. Libraries and librarians exist to facilitate the exercise of these rights by selecting, producing, providing access to, identifying, retrieving, organizing, providing instruction in the use of, and preserving recorded expression regardless of the format or technology.

The American Library Association expresses these basic principles of librarianship in its *Code of Ethics* and in the *Library Bill of Rights* and its Interpretations. These serve to guide librarians and library governing bodies in addressing issues of intellectual freedom that arise when the library provides access to electronic information, services, and networks.

Issues arising from the still-developing technology of computer-mediated information generation, distribution, and retrieval need to be approached and regularly reviewed from a context of constitutional principles and ALA policies so that fundamental and traditional tenets of librarianship are not swept away.

Electronic information flows across boundaries and barriers despite attempts by individuals, governments, and private entities to channel or control it. Even so, many people, for reasons of technology, infrastructure, or socio-economic status do not have access to electronic information.

In making decisions about how to offer access to electronic information, each library should consider its mission, goals, objectives, cooperative agreements, and the needs of the entire community it serves.

The Rights of Users

All library system and network policies, procedures or regulations relating to electronic resources and services should be scrutinized for potential violation of user rights.

User policies should be developed according to the policies and guidelines established by the American Library Association, including *Guidelines for the Development and Implementation of Policies, Regulations, and Procedures Affecting Access to Library Materials, Services and Facilities*.

Users should not be restricted or denied access for expressing or receiving constitutionally protected speech. Users' access should not be changed without due process, including, but not limited to, formal notice and a means of appeal.

Although electronic systems may include distinct property rights and security concerns, such elements may not be employed as subterfuge to deny users' access to information. Users have the right to be free of unreasonable limitations or conditions set by libraries, librarians, system administrators, vendors, network service providers, or others. Contracts, agreements, and licenses entered into by libraries on behalf of their users should not violate this right. Users also have a right to information, training and assistance necessary to operate the hardware and software provided by the library.

Users have both the right of confidentiality and the right of privacy. The library should uphold these rights by policy, procedure, and practice. Users should be advised, however, that because security is technically difficult to achieve, electronic transactions and files could become public.

The rights of users who are minors shall in no way be abridged.¹

Equity of Access

Electronic information, services, and networks provided directly or indirectly by the library should be equally, readily and equitably accessible to all library users. American Library Association policies oppose the charging of user fees for the provision of information services by all libraries and information services that receive their major support from public funds (50.3;53.1.14; 60.1; 61.1). It should be the goal of all libraries to develop policies concerning access to electronic resources in light of *Economic Barriers to Information Access: an Interpretation of the Library Bill of Rights* and *Guidelines for the Development and Implementation of Policies, Regulations and Procedures Affecting Access to Library Materials, Services and Facilities*.

Information Resources and Access

Providing connections to global information, services, and networks is not the same as selecting and purchasing material for a library collection. Determining the accuracy or authenticity of electronic information may present special problems. Some information accessed electronically may not meet a library's selection or collection development policy. It is, therefore, left to each user to determine what is appropriate. Parents and legal guardians who are concerned about their children's use of electronic resources should provide guidance to their own children.

Libraries and librarians should not deny or limit access to information available via electronic resources because of its allegedly controversial content or because of the librarian's personal beliefs or fear of confrontation. Information retrieved or utilized electronically should be considered constitutionally protected unless determined otherwise by a court with appropriate jurisdiction.

Libraries, acting within their mission and objectives, must support access to information on all subjects that serve the needs or interests of each user, regardless of the user's age or the content of the material. Libraries have an obligation to provide access to government information available in electronic format. Libraries and librarians should not deny access to information solely on the grounds that it is perceived to lack value.

In order to prevent the loss of information, and to preserve the cultural record, libraries may need to expand their selection or collection development policies to ensure preservation, inappropriate formats, of information obtained electronically.

Electronic resources provide unprecedented opportunities to expand the scope of information available to users. Libraries and librarians should provide access to information presenting all points of view. The provision of access does not imply sponsorship or endorsement. These principles pertain to electronic resources no less than they do to the more traditional sources of information in libraries.²

Adopted by the ALA Council, January 24, 1996

¹ See: *Free Access to Libraries for Minors: An Interpretation of the Library Bill of Rights; Access to Resources and Services in the School Library Media Program: An Interpretation of the Library Bill of Rights*, and *Access for Children and Young People to Videotapes and Other Nonprint Formats: An Interpretation of the Library Bill of Rights*.

² See: *Diversity in Collection Development: An Interpretation of the Library Bill of Rights*

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Resolution On The Use of Filtering Software In Libraries

WHEREAS, On June 26, 1997, the United States Supreme Court issued a sweeping re-affirmation of core First Amendment principles and held that communications over the Internet deserve the highest level of Constitutional protection; and

WHEREAS, The Court's most fundamental holding is that communications on the Internet deserve the same level of Constitutional protection as books, magazines, newspapers, and speakers on a street corner soapbox. The Court found that the Internet "*constitutes a vast platform from which to address and hear from a world-wide audience of millions of readers, viewers, researchers, and buyers, and that any person with a phone line can become a town crier with a voice that resonates farther than it could from any soapbox*"; and

WHEREAS, For libraries, the most critical holding of the Supreme Court is that libraries that make content available on the Internet can continue to do so with the same Constitutional protections that apply to the books on libraries' shelves; and

WHEREAS, The Court's conclusion that "*the vast democratic fora of the Internet*" merit full constitutional protection will also serve to protect libraries that provide their patrons with access to the Internet; and

WHEREAS, The Court recognized the importance of enabling individuals to receive speech from the entire world and to speak to the entire world. Libraries provide those opportunities to many who would not otherwise have them; and

WHEREAS, The Supreme Court's decision will protect that access; and

WHEREAS, The use in libraries of software filters which block Constitutionally protected speech is inconsistent with the United States Constitution and federal law and may lead to legal exposure for the library and its governing authorities; now, therefore, be it

RESOLVED, That the American Library Association affirms that the use of filtering software by libraries to block access to constitutionally protected speech violates the Library Bill of Rights.

Adopted by the ALA Council, July 2, 1997

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