



Materials Challenges: Key Library Policies to Review and Revise

Policies play an important role in supporting the operations of a public library. While some policies, such as certain employment, financial, and circulation policies may be legally required by state or federal law, most library policies are created by library directors and boards to ensure that the library legally fulfills its mission of providing access to information for the members of the community while also ensuring a safe and legal workplace for the librarians and staff that work there.

Legal and well-constructed policies play an especially important role when a library is involved in a conflict, such as when programming, services or materials are questioned or challenged.

This tip sheet will review the key components of well-constructed and legal policies and will describe the policies that a library should review and/or implement to prepare for the possibility of a materials challenge.

Creating Policies

To avoid legal challenges to a policy, uneven application (which could result in a discrimination claim), or confusion among staff or patrons as to how a policy is to be applied, a library should ensure that every policy contains the components listed below, and, that they are regularly reviewed by the library's attorney. Additional information for crafting good library policies can be found in the ALA's [Guidelines for Library Policies](#).

Five Components of Well-Constructed Library Policies

- They are **legal** - meaning they are **compliant with applicable laws and regulations**.
- They are **clear** - meaning the policy is **easy to understand and follow**.
- They are **enforceable** - so there is a **way to determine infractions and clearly determine compliance vs. non-compliance**.
- They are **content neutral** - this means they **do not take into account protected characteristics or information subjects**. Policies cannot limit the use of library resources by belief, faith, criminal past, etc.
- They include **due process**, which includes the steps of notice, investigation, and appeal - Policies must



Materials Challenges: Key Library Policies to Review and Revise, continued

be **posted or available** to those who must follow them, alleged violators must be advised of the policy infringed, **violators must be able to appeal decisions and/or punishment** to the library board.

- They are **properly implemented**:
 - **Regular training** for those expected to enforce the policies.
 - Training on DEI-informed enforcement.
 - Explanations of the goals and purposes of each policy.
 - Explanations of staff roles and responsibilities with regards to enforcement (including how library's separate security personnel (if applicable) affect enforcement).
 - Training on de-escalation techniques.
 - Training on conflict communication.
 - **Regular review** of policies so they remain relevant and appropriate.

Policies Crucial for Facing Materials Challenges

Although all library policies can be crucial, when preparing for or facing a materials challenge, some policies are particularly important to review, revise, and/or implement:

- **Collection Development Policy** - This policy governs the procedure by which a library selects materials. A good policy demonstrates that a library chooses materials according to a carefully thought-out plan and process using authoritative sources and professional expertise rather than political or personal priorities and illustrate the long-held library tenet that libraries should offer a variety of resources on multiple perspectives of any subject.

North Dakota State Library Collection Development and Management Libguides page: <https://library-nd.libguides.com/cd/overview>

Indiana State Library Collection Development page: <https://www.in.gov/library/services-for-libraries/ldoresources/public-library-policies/collection-development/>

South Carolina State Library DEI Collection Development Guide <https://guides.statelibrary.sc.gov/inclusion/collections>

- **Materials Challenge Policy** - Provides procedure and guidance on how a library will manage a challenge or an opposition to a material, program or service. Policy should be clear about how a complaint or challenge must be submitted to the library; who makes final determination about challenge; and, include a procedure for appeal. Policy should also include a form to be completed by the patron bringing the challenge or question that documents the complaint. [Selection & Reconsideration Policy Toolkit for Public, School, & Academic Libraries](#).



Materials Challenges: Key Library Policies to Review and Revise, continued

- **Patron Behavior Policy** - Patron policies should include a policy that prohibits activity that inhibits or infringes on other patrons' use and enjoyment of the library and its services, or which inhibits or infringes upon a library employee's ability to perform their duties. This somewhat general policy can cover a great deal of problematic patron activities – including hiding materials, yelling, harassing staff, blocking entrances or exits during protests or petitioning, etc. Other patron policies to review include vandalism or damage/destruction policies (which may also have a criminal component. Many states have laws that make the damaging of library or government property a crime. For public libraries that are not government entities, many states also have laws against damaging private property). HOWEVER, it is important to remember that libraries should manage BEHAVIOR rather than SPEECH. ALA, [Guidelines for the Development of Policies and Procedures Regarding User Behavior and Library Usage](#).
- **Privacy Policies** - Review state laws governing privacy of library records and patron information, particularly with regards to interactions with law enforcement. Review library policies on the disclosure of patron circulation history. See [Privacy Field Guides by ALA & IMLS](#).
- **Circulation/Access Policies** - A wide variety of policies can fall under this category. See ALA, [Access to Library Services and Materials](#), [Access to Library Services and Materials for Minors: An Interpretation of the Library Bill of Rights](#); [Restricted Access to Library Services and Materials: An Interpretation of the Library Bill of Rights](#).
 - **Library card applications and new borrower policies and procedures.** Review process and policies and consider the diverse populations in your service area. What type of identification, or proof of residency is required? Does the existing policies/procedures take into account local populations that may not have the preferred type of documentation, including the elderly, homebound, developmentally disabled, and homeless. Immigrant patrons and patrons from certain cultures (such as Amish patrons) may also not have traditional proof of residency. Implement policies and procedures that allow for alternative proof of residency.
 - **Missing or damaged materials.** Review policies to ensure clear notice to patrons of ramifications for non-return or damage of materials. Many states have laws that make the theft and/or damage of library materials a crime. Consider notifying patrons of this fact as part of an overdue notice or reminder. This would make it easier for libraries to bring a criminal complaint against patrons who will not return materials.
 - **Circulation Policies regarding minor patrons and materials.** Review library's policy for minors who select adult materials or materials aimed at older or more mature patrons. Does the library restrict minor access to certain items for reasons other than the cost, value, or inherent physical

Materials Challenges: Key Library Policies to Review and Revise, continued

danger of the item? (For example- a limit involving “the library of things” items such as expensive cameras or equipment, or items that can cause physical injury such as power tools is reasonable.) A limit involving content or subject matter is not recommended. However, a library’s establishment status as well as state laws on exposing minors to obscene and/or pornographic content could impact a library’s civil or criminal liability if a patron lodges a criminal complaint because of a challenged item.

- **Check your state laws on pornography or obscenity.** Do they protect library staff and/or schoolteachers from prosecution under distributing obscene/sexual content/pornography to minors? Many states do exempt library staff and teachers if the distribution or exposure to the content was in the course of employment (i.e., doing their job). Consult your attorney on how the presence or absence of these exemptions in your state may affect your circulation policies.

- **Security Policies**

- **Incident reporting policies** - Review the current policy and/or procedure for reporting and tracking incidents requiring staff intervention, law enforcement assistance, or security staff assistance. This may also be a good time to talk to local law enforcement about the best way to manage unruly patrons and what library staff can expect if law enforcement is called.

- **Public Meeting Policies**

- If a library is a government or “public” entity:

Public Comment Policy - Each state’s Open Meetings Act, or Sunshine Act should provide guidance on the ability of a public body to limit or regulate public comment. Libraries should consult their attorneys and ensure that their public meeting policies and/ or the board bylaws take full advantage of the tools provided by the state to manage public comment (such as limiting the amount of time each person speaks or requiring groups to speak through one representative) while still complying with applicable laws.

Efforts or policies that restrict speech in public comment (such as “Civility policies,” or “no profanity” policies) should be thoroughly reviewed by the library’s attorney. As a general rule, Boards should regulate behavior – not speech in a public meeting.



Materials Challenges: Key Library Policies to Review and Revise, continued

Recording of public meetings - Generally permitted, but requirements could vary across different states. Check with the library's attorney, or the applicable law.

- **Documenting meeting minutes and recording policies** - Requirements could vary according to state. Consult the library's attorney or applicable laws for requirements surrounding public recording of meetings and any meeting minutes that must be taken.
- **Minutes Policy** - Review what (if any) minutes must be taken at a public meeting, as well as when and how those minutes should be approved and posted.

[Municipal Research and Services Center \(MRSC\) tips on managing difficult public meetings.](#)

(NOTE: This article references Washington State law. There are useful general suggestions, but libraries should consult their attorneys before adopting policy changes that affect public comment, attendance, and speech at public meetings):

- If a library is a non-profit or private corporation, they may have more ability to regulate public comment and/or attendance in meetings. However, because laws can widely differ with regards to library standing and public status, a library should consult their attorney to determine appropriate policies for public attendance or comment.
- **Board Policies (Bylaws)**
 - **Board Behavior Policy** (including public official behavior laws) - What constitutes inappropriate or unacceptable behavior of a board member- particularly with regards to communication with library staff.
 - **Board Removal Policy/Process** - How can board members be removed from the board? What is the process?
 - **Board Communication Policy** - Bylaws should include a policy describing limitations on the issues or information a board member can discuss or release outside of a meeting.
 - **Board Ethics Policy** (also at municipal level) - Review whether there are any state or local requirements for a board member to act in the best interests of the institution. Also, if there is an ethics policy/law/ordinance that would require a board member to uphold the stated mission and beliefs of the institution or municipality, rather than their own ideology or beliefs.



Materials Challenges: Key Library Policies to Review and Revise, continued

- **Roles and duties of board officers** - The board bylaws should list the expected duties of each board officer, as well as ramifications (such as loss of officer office or loss of committee assignment) for officers that do not live up to their duties.
- **Crisis Communication Policy** - A policy that details how the library communicates to the community and other stakeholders as well as the media during a crisis – including a lawsuit or public conflict. Can also include procedures for gathering community support for the library and working with friends groups for support.

Spokesperson - This policy designates a spokesperson who represents the library to the media. Having only one person be the “face” of the library increases the likelihood of a consistent and accurate message emanating from the library as well as enables the library to control public relations.

ALA, Crisis Communication Planning, <https://www.ala.org/tools/sites/ala.org.tools/files/content/Crisis%20Communication%20Planning.pdf>

King, Tamara, Creating a Crisis Communication Plan to Handle a Scandal or Escape a Scrape <https://www.infotoday.com/mls/nov18/King--Creating-a-Crisis-Communication-Plan.shtml>

Georgia State Library, Crisis Communication Plan Template <https://georgialibraries.org/wp-content/uploads/2020/09/template-crisis-communications-plan-.docx>

Soehner, Godfrey, Crisis Communication in Libraries: Opportunity for New Roles in Public Relations, The Journal of Academic Librarianship 43(3) https://www.researchgate.net/publication/316116577_Crisis_Communication_inLibraries_Opportunity_for_New_Roles_in_Public_Relations

- **Social Media Policy** - How the social media presence of the library is managed. Who has authority to post (should be limited to a very few). Library should have guidelines on what can be posted (Library programming, news, etc. content only? Opinions of Library staff, board members, etc.)? Can members of the public comment? (Be careful of this one if the library is a public entity – enabling public comment can create a “public forum” online under the First Amendment, which can make it extremely risky to remove comments – even offensive ones). Libraries should consult their attorneys about social media public comment policies.

[ALA Intellectual Freedom Social Media Guidelines for Public and Academic libraries](#)

Public Libraries Online, Corsillo, Staying Social: Why Your Library Needs Social Media Policies, <http://publiclibrariesonline.org/2019/06/staying-social-why-your-library-needs-social-media-policies/> June 28, 2019



Materials Challenges: Key Library Policies to Review and Revise, continued

General Resources:

[ALA Frontline Advocacy Toolkit](#)

[ALA Frontline Advocacy for School Libraries Toolkit](#)

Everyone who works at a library can be an advocate. The Frontline Advocacy Toolkit provides practical tools to help frontline library staff identify opportunities to advocate for the value of libraries and their own value on a daily basis.

NOTE: Frontline Advocacy would include knowing the “party line” on intellectual freedom procedures.

[ALA Policy page](#)

[ALA Office for Intellectual Freedom, Book Challenge Support Page](#)

United for Libraries- Trustee Tip Sheets, Twelve Golden Roles for Library Board Members - Requires United for Libraries membership for access.

United for Libraries - “Learning Live” Webinar, Library Boards, Intellectual Freedom, and Challenges) - Requires United for Libraries membership for access.

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