

# **Town of Johnsbury Library**

## **By-Laws** *Revised 2004*

**Preamble:** The Board of Trustees of the Town of Johnsbury Library, a municipal public library incorporated under New York State Education Law, Section 255 hereby enacts the following By-Laws:

**Definition:** Unless otherwise qualified, "the Board," refers to the Board of Trustees of the Town of Johnsbury Library.

**Purpose:** The purpose of the Town of Johnsbury Library is to assemble, preserve, and provide printed and other materials that will meet the day-to-day educational, informational, cultural, and recreational interests and needs of the community in compliance with local, State, and Federal laws.

### **Article I --- Membership**

The Board shall consist of nine members. Vacancies on the Board are filled by appointment by the Town Board.

The term of office of trustees shall be three years to begin January 1 or immediately if appointed to fill a vacancy. The terms of the initial trustees serving in 1997 shall be staggered as drawn by lot. Term limits shall be two consecutive 3-year terms. Reelection shall be permitted after one year off the Board.

If a trustee shall fail to attend three consecutive meetings without an excuse accepted as satisfactory by the Board, the trustee shall be deemed to have resigned and the vacancy shall be filled.

Newly elected-appointed trustees shall be provided with appropriate orientation by the Board President and the Library Director and shall be given a copy of the Town of Johnsbury's Library By-Laws and a review of the *Handbook for Library Trustees in New York State* which outlines the basic information about trustee responsibilities.

### **Article II --- Officers**

1. The Officers of the Board shall be President, Vice-President, Secretary, and Treasurer. Each officer shall be elected for a one-year term.
2. Officers shall be elected at the last regular meeting of the calendar year by a majority vote of the Board.
3. Duties of the officers:

- a. The **President** shall preside at meetings of the Board, appoint committees, authorize calls for special meetings and generally perform the duties of a presiding officer. The President or other Board members shall attend the SALS annual meeting.
- b. The **Vice-President** shall perform the duties of the President in case of the absence or disability of the President, and shall succeed to the office of President upon the resignation or death of the President. In case both the President and the Vice-President are absent from a meeting, any member may call the meeting to order, and the members present (there being a quorum) shall elect a Chairman pro tem.
- c. The **Secretary** shall have charge of the records of the Board and shall keep the minutes of its meetings. A copy of the minutes shall be kept in the Library and shall be available for public study and shall normally be sent to each board member at least five days in advance of the next meeting.
- d. The **Treasurer** shall attend to the fiscal affairs of the library. The Treasurer shall pay out funds by check signed by the Treasurer, by the President, or, in case of the disability or absence of the Treasurer, by the President. The Treasurer shall keep accurate records of all moneys received and disbursed and shall make a report thereof to the Board monthly and at other times as the Board shall require.

### Article III --- Committees

The Board may consider and act on any matter before it with or without recommendations from a committee. The President shall appoint standing committees, to serve one year, and may appoint as hoc committees, as described herein. Each committee chairperson shall be responsible for periodic meetings of the committee and shall have an opportunity to report at each regular meeting of the Board. A chairperson and committee members shall be assigned annually by the President. The President shall be a member, ex-officio, of all committees except nomination committees.

1. The **Finance Committee** shall have general supervision of the policies and plans for the fiscal resources of the Library. It will be responsible for but not confined to:
  - a. Preparing an annual budget for the Board's approval.
  - b. Evaluating and advising the Board on endowment, memorial and other gifts, savings and financial plans in a manner advantageous to the annual and future needs of the Library.
  - c. Requesting and considering recommendations made by the other committees.

- d. Seeking and receiving public funds on an on-going and regular basis and reporting to the funding authorities on how public funds were spent and what services the library offers the community.
2. The **Building and Grounds Committee** shall work with the Town of Johnsbury to oversee the maintenance and upkeep of the Library building and grounds. It shall conduct periodic inspections of the building and grounds and shall make recommendations to the Board concerning repairs and alterations, replacement or addition of building equipment, anticipated expenses to be included in the annual budget, and such other matters as may be referred to it by the Board.
3. The **Publicity Committee** shall inform the community of Library-sponsored events, services, and workshops, and other items deemed pertinent for the edification of the Community.
4. The **Personnel Committee** shall recruit, recommend, and present to the Board final candidates for the Library Director and for other staff after consulting with the Director. It shall evaluate the performance of the Director and assist the Director in evaluating the performance of other staff. It shall make recommendations for salary and benefits and shall adjudicate, if necessary, any formal grievance brought to it by a staff member, reporting the matter and decision to the Board at its next meeting.
5. The **Planning and Policy Committee** shall be responsible for evaluating the future library needs of the community and presenting a plan to the Board which will provide for the growth and improvement of the Library and library service. It shall enlist the aid of the Library Director and other standing committees when necessary in planning a program for approval by the Board. In addition, this committee shall be responsible for recommending changes, additions, or deletions to the By-Laws and policies.
6. The **Nominating Committee**: At the regular November meeting the President shall appoint a committee consisting of three members of the Board which shall submit a proposed slate of officers for the Board at the next regular December Board meeting. Membership on such committee shall not prohibit nomination for office.

#### Article IV --- Meetings

1. Meetings shall be held on a monthly basis, at dates and times to be established by the Board at the beginning of the calendar year and shall be open to the public except when individual personnel issues are being discussed. If a quorum cannot be met, a meeting may be held for informational purposes only with no voting.
2. Special meetings shall be held at the call of the President or any three trustees.

3. A majority of the Board shall constitute a quorum.
4. The order of business shall be as follows:
  - a. Roll call.
  - b. Review of minutes of previous meeting.
  - c. Financial report and approval of expenditures.
  - d. Report of the Library Director.
  - e. Report of standing committees.
  - f. Report of special committees.
  - g. Nominations and elections, if any.
  - h. Correspondence and communications.
  - i. Unfinished business.
  - j. New business.
  - k. Adjournment.
5. Vacancies among the officers shall be filled at an election at a regular meeting, and a majority vote of the Trustees shall be necessary to an election.

**Article V – Library Director:**

1. The Board shall appoint a qualified Library Director who shall be the administrative officer of the library.
2. The Director shall be held responsible for the proper performance of duties as spelled out in the job description provided by the Board.
3. It shall be the duty of the Director to attend all meetings of the Board, including budget meetings, or public meetings where action may be taken affecting the interests of the Library. The Director shall have the right to speak on all matters under discussion at Board meetings, but shall not have the right to vote thereon.

**Article VI:** In accordance with Section 1116(a), paragraph 4, of New York State Sales and Use Tax Law, the Board shall comply with the following provisions:

1. **Dissolution Provision:** In the event of dissolution, all of the remaining assets and property of the organization shall after necessary expenses thereof be distributed to such organizations as shall qualify under section 501(c)(3) of the Internal Revenue Code, or corresponding provisions of any subsequent Federal tax laws; or to the Federal government, or to a state or local government, for a public purpose; or to another organization to be used in such manner as in the judgment of a Justice of the Supreme Court of the State of New York will best accomplish the general purposes for which this organization was formed. Distribution of assets will conform to New York State law.

2. **Non-Inurement Provision:** No part of the net earnings of the organization shall inure to the benefit of any member, trustee, director, officer of the organization, or to any private individual (except that reasonable compensation may be paid for services rendered to or for the organization).
3. **Restrictive Legislation Provision:** No substantial part of the activities of the organization shall be carrying on propaganda, or otherwise attempting to influence legislation (except as otherwise provided by Internal Revenue Code section 501(h), or participating in, or intervening in (including the publication or distribution of statements), any political campaign on behalf of any candidate for public office.
4. **Restrictive Purposes and Activities Provision:** Notwithstanding any other provision of these articles, the organization is organized exclusively for literary and educational purposes as specified in section 501(c)(3) of the Internal Revenue Code of 1954, and shall not carry on any activities not permitted to be carried on by an organization exempt from the Federal income tax under section 501(c)(3) or corresponding provisions of any subsequent Federal tax laws.

#### **Article VII --- Directors, Officers and Employees**

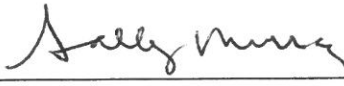
The Town of Johnsbury, having its principal office at Town Hall, North Creek, New York 12853, in the County of Warren, New York, from and after the date hereof shall hold harmless any and all Trustees, Officers, Director and Staff from any and all liability, claims, demands or expenses by reason of acting as a Trustee, Officer, Director and Staff or otherwise by reason of any and all actions performed or omissions to act by reason of being a Trustee, Officer, Director, and Staff or otherwise of the System.

#### **Article VIII --- Amendments**

These By-Laws may be repealed, amended, or added to by a majority vote of the whole Board at a regular meeting. Such action may be taken, however, only after the substance of the proposed repeal, amendment, or addition has been presented in writing at a prior regular or special meeting, and notice thereof has been given in the notice of the meeting at which it is to be considered.

*Initially Adopted: July 9, 1997*

*This Revision adopted: March 3, 2004*

  
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Sally Murray, President of the Board

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2. **Non-Inurement Provision:** No part of the net earnings of the organization shall inure to the benefit of any member, trustee, director, officer of the organization, or any private individual (except that reasonable compensation may be paid for services rendered to or for the organization).
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4. **Restrictive Purposes and Activities Provision:** Notwithstanding any other provision of these articles, the organization is organized exclusively for literary and educational purposes as specified in section 501(c)(3) of the Internal Revenue Code of 1954, and shall not carry on any activities not permitted to be carried on by an organization exempt from the Federal income tax under section 501(c)(3) or corresponding provisions of any subsequent Federal tax laws.

#### **Article VII — Directors, Officers and Employees**

The Town of Johnsbury, having its principal office at Town Hall, North Creek, New York 12853, in the County of Warren, New York, from and after the date hereof shall hold harmless any and all Trustees, Officers, Director and Staff from any and all liability, claims, demands or expenses by reason of acting as a Trustee, Officer, Director and Staff or otherwise by reason of any and all actions performed or omissions to act by reason of being a Trustee, Officer, Director, and Staff or otherwise of the System.

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Latest revision date of these By-laws: November 12, 1997

Joyce M. Smith  
Joyce M. Smith, President of the Board

## **Collection Development and Materials Selection Policy Statement of the Town of Johnsburg Library**

### **Materials Selection Policy:**

The purpose of this statement on materials selection is to establish policies to guide staff and to inform the public about the principles upon which selections are made to develop the collection of the Library.

A policy cannot replace the judgment of librarians, but stating goals and indicating boundaries will assist them in choosing from a vast array of materials available.

The Library sets as its major goal in collection development and materials selection: to secure for all residents of the Library's service area the informational, educational, cultural, and recreational materials in all media, both published and unpublished, that fit their needs.

### **Definitions:**

The word "materials" used for the specific forms of media, has the widest possible meaning; it may include books (hardbound and paperbound), government documents, pamphlets, maps, magazines and journals, comic books, newspapers, broadsides, manuscripts, films, filmstrips, sound discs, sound tapes, slides, posters, videotapes, games, and art reproductions or original art work.

"Selection" refers to the decision that must be made either to add a given item to the collection or to retain one already in the collection. It does not refer to guidance in assisting a library user.

### **Responsibility for Materials Selection and Collection Development:**

Final responsibility for selection and development of the collection lies with the Board of Library Trustees. However, the Board delegates to the Director authority to interpret and guide the application of the policy in making day-to-day selections. The Director may authorize other staff to apply this policy in building the collection. In exceptional cases the Director will present comprehensive information to the Board.

### **Objectives:**

The primary objective of selection shall be to collect materials of contemporary significance and of permanent value. The Library will always be guided by a sense of responsibility to both present and future in adding materials which will enrich the collections and maintain an overall balance. The Library also recognizes an immediate duty to make available materials for enlightenment and recreation.

### **Duties of the Library Director and Staff:**

All staff members selecting library materials will be expected to keep the objectives in mind and apply their knowledge and experience in making decisions.

### **Criteria of Selection:**

No item in a library collection can be indisputably accepted or rejected by any established given guide or standard. However, certain basic principles can be applied as guidelines. Every item must meet such of the following criteria as are applicable to its inclusion in the collection.

1. The degree and accomplishment of purpose
2. Authority and competency of the author, composer, filmmaker, etc.
3. Comprehensiveness in breadth and scope
4. Sincerity and fundamental objectivity
5. Clarity and accuracy of presentation
6. Appropriateness to the interests and skills of the intended users
7. Relation to existing collections
8. Relative importance in comparison with other materials on the subject
9. Importance as a record of the times for present and future use.

### **Use of Library Materials:**

The Library recognizes that many materials are controversial and that any given item may offend some library user. Selections will not be made on the basis of any anticipated approval or disapproval, but solely on the merits of the work in relation to the building of the collection and to serving the interests of residents of the Library's service area.

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 to the extent required to preserve them from harm.

Responsibility for the reading, listening, and viewing of library materials by children rests with their parents or legal guardians. Selection will not be inhibited by the possibility that materials may inadvertently come into the possession of children.

## Guidelines for Selection and Collection Development:

1. The Library takes cognizance of the purposes and resources of other libraries in the region and shall not needlessly duplicate functions and materials. Through membership in the Southern Adirondack Library System and its coöperation with the Capital District Library Council, the resources of other libraries in the region will be made available through inter-library loan and other means to the Library's patrons to the extent possible.
2. The Library acknowledges the purposes of educational programs for students of all ages provided by the educational institutions in the area. Text books and curriculum related materials for these programs are provided where the materials also serve the general public or where they provide information not otherwise available.
3. Legal and medical works will be acquired only to the extent that they are useful to the layman.
4. The Library acknowledges a particular interest in local and state history; therefore, it will seek to acquire appropriate state, county and local public documents, and it will take a broad view of works by and about New York authors as well as general works relating to the State of New York. However, the Library is not under any obligation to add to its collections everything about New York or produced by authors, printers or publishers with New York connections. The Library will attempt to collect comprehensively works about the local community, and to the extent possible, about surrounding communities.
5. 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.
6. In selecting materials for the collection the Library will pay due regard to the special, commercial, industrial, cultural and civic enterprises of the community.

## Gifts:

The Library accepts gifts of materials and is grateful for such gifts, but it reserves the right to evaluate and to dispose of them in accordance with the criteria applied to purchased materials. Gifts which do not accord with the Library's objectives and policies will be refused, sold at the Library's book sales, or otherwise disposed of according to law. No conditions may be imposed relating to any gift either before or after its acceptance by the Library. The Library cannot appraise gifts for their value for tax purposes or other purposes.

## Gift Policy

Policy Statement 3A

Gifts with an individual value of more than \$50 ie a special book, art work, etc. should be acknowledged with a note from the Library Director or the President of the Board of Trustees.

The donor should be told that the Library accepts such gifts with no restrictions. Said gift may be sold or given away if there is no longer use for it in the library.

A form should be presented to the donor stating the above with a place for signatures of the Library Director and donor. A copy should be retained for the Library files. Estimated value should be stated by the donor.

August 2004

### **Maintaining the Collections:**

The Library Director is expected to use good judgment to remove from the collections whatever no longer serves a need, and to refurbish, by rebinding or other means, materials which might suffer deterioration if not so cared for.

**Revision of Policy:** This policy will be revised as times and circumstances require in accordance with the Town of Johnsbury Library By-Laws

**Challenges to Materials in the Collection:** The Library rejects any censorship of materials in the collection which meet the criteria of this statement. The Library will abide by the policies contained in its Censorship Statement (Enclosure 1).

**Intellectual Freedom:** The Board of Library Trustees of the Town of Johnsbury Library includes as a part of its statement on materials selection and collection development the American Library Association's "Library Bill of Rights," and these other statements regarding intellectual freedom:

Library Bill of Rights	Enclosure 2
Freedom to Read Statement	Enclosure 3
Freedom to View Statement	Enclosure 4
Free Access to Libraries for Minors	Enclosure 5

Adopted by the Board of Trustees on this date: July 9, 1997

Joyce M. Smith  
President Board of Trustees, Town of Johnsbury Library

### Enclosure 1: Censorship Policy

1. Any individual may reject materials for himself but may not restrict the freedom of others to read.
2. Whenever library material is challenged, it will be reexamined by the Library Director and, when necessary, referred by the Library Director to the Board of Trustees; if the material meets the criteria of the materials selection and collection development policy, it shall not be removed from the collection except by court order.
3. When materials are challenged library staff will:
  - (a) Treat complaints with dignity and courtesy.
  - (b) Provide a form "Request for Reconsideration of Library Materials" (attached) to obtain a formal complaint.
  - (c) Present the full facts to the library Board of Trustees.
  - (d) Defend the principles of freedom to read and the professional responsibility of the library rather than the book.
  - (e) Consider complaints and/or objections to library materials in terms of the Library's materials selection policy, the principles of the Library Bill of Rights and the Freedom to Read Statement, and the opinions of the reviewing source(s) used in selection.
  - (f) Seek the support of local press and the New York Library Association's Intellectual Freedom Committee, if necessary.
4. The complaints, and/or objections, and response will be forwarded to the Library Director for review and relevant comments if received by a substitute in the Director's absence.
5. In the event that the person or group registering the objection is not satisfied, a direct meeting with the Library Director will be arranged.
6. If the complainant still feels that the problem has been dealt with inadequately, a final appeal to the Board of Trustees will be made. The Library Director will notify and inform the Board of the details of the case before a full hearing is scheduled.

**Request For Reconsideration of Library's Materials**

Name \_\_\_\_\_ Date \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Phone # \_\_\_\_\_

Complainant represents:

\_\_\_\_\_ Self

\_\_\_\_\_ Organization: \_\_\_\_\_

\_\_\_\_\_ Identify other group: \_\_\_\_\_

## 1. Resource on which you are commenting:

\_\_\_\_\_ Book

\_\_\_\_\_ Magazine

\_\_\_\_\_ Newspaper

\_\_\_\_\_ Other

\_\_\_\_\_ Videotape

\_\_\_\_\_ Other Audiovisual Resource

\_\_\_\_\_ Content of Library Program

Title \_\_\_\_\_

Author/Producer \_\_\_\_\_

## 2. What brought this title to your attention? \_\_\_\_\_

## 3. To what do you object? (Please be specific, cite pages) \_\_\_\_\_

## 4. What do you feel might be the result of using this material? \_\_\_\_\_

## 5. For what age group would you recommend it? \_\_\_\_\_

## 6. Is there anything good about it? \_\_\_\_\_

## 7. Did you read the entire book? (Or did you view the entire film or program?) \_\_\_\_\_

Collection Development and Materials Selection Policy Statement \_\_\_\_\_ 7

8. Are you aware of the judgement of this material by literary critics?  
\_\_\_\_\_

9. What do you believe is the theme? \_\_\_\_\_  
\_\_\_\_\_

10. What would you like your library to do? \_\_\_\_\_  
\_\_\_\_\_

11. Please comment on the resource as a whole as well as being specific on those matters which concern you. (Use other side if needed.)  
Comment:

12. (Optional:) What resource(s) do you suggest to provide additional information on this topic?

\_\_\_\_\_  
Signature of Complainant

\_\_\_\_\_  
Date

**For Library Use Only**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Enclosure 2: Library Bill Of Rights

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

1. 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.
2. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.
3. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.
4. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.
5. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.
6. 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.

### Enclosure 3: Freedom To Read

The freedom to read is essential to our democracy. It is continuously under attack. Private groups and public authorities in various parts of the country are working to remove books from sale, to censor textbooks, to label "controversial" books, to distribute lists of "objectionable" books or authors, and to purge libraries. These actions apparently rise from a view that our national tradition of free expression is no longer valid; that censorship and suppression are needed to avoid the subversion of politics and the corruption of morals. We, as citizens devoted to the use of books and as librarians and publishers responsible for disseminating them, wish to assert the public interest in the preservation of the freedom to read.

We are deeply concerned about these attempts at suppression. Most such attempts rest on a denial of the fundamental premise of democracy: that the ordinary citizen, by exercising critical judgment, will accept the good and reject the bad. The censors, public and private, assume that they should determine what is good and what is bad for their fellow-citizens.

We trust Americans to recognize propaganda, and to reject it. We do not believe they need the help of censors to assist them in this task. We do not believe they are prepared to sacrifice their heritage of a free press in order to be "protected" against what others think may be bad for them. We believe they still favor free enterprise in ideas and expression.

We are aware, of course, that books are not alone in being subjected to efforts at suppression. We are aware that these efforts are related to a larger pattern of pressures being brought against education, the press, films, radio and television. The problem is not only one of actual censorship. The shadow of fear cast by these pressures leads, we suspect, to an even larger voluntary curtailment of expression by those who seek to avoid controversy.

Such pressure toward conformity is perhaps natural to a time of uneasy change and pervading fear. Especially when so many of our apprehensions are directed against an ideology, the expression of a dissident idea becomes a thing feared in itself, and we tend to move against it as against a hostile deed, with suppression.

And yet suppression is never more dangerous than in such a time of social tension. Freedom has given the United States the elasticity to endure strain. Freedom keeps open the path of novel and creative solutions, and enables change to come by choice. Every silencing of a heresy, every enforcement of an orthodoxy, diminishes the toughness and resilience of our society and leaves it the less able to deal with stress.

Now as always in our history, books are among our greatest instruments of freedom. They are almost the only means for making generally available ideas or manners of

expression that can initially command only a small audience. They are the natural medium for the new idea and the untried voice from which come the original contributions to social growth. They are essential to the extended discussion which serious thought requires, and to the accumulation of knowledge and ideas into organized collections.

We believe that free communication is essential to the preservation of a free society and a creative culture. We believe that these pressures towards conformity present the danger of limiting the range and variety of inquiry and expression on which our democracy and our culture depend. We believe that every American community must jealously guard the freedom to publish and to circulate, in order to preserve its own freedom to read. We believe that publishers and librarians have a profound responsibility to give validity to that freedom to read by making it possible for the readers to choose freely from a variety of offerings.

The freedom to read is guaranteed by the Constitution. Those with faith in free people will stand firm on these constitutional guarantees of essential rights and will exercise the responsibilities that accompany these rights.

We therefore affirm these propositions:

1. It is in the public interest for publishers and librarians to make available the widest diversity of views and expressions, including those which are unorthodox or unpopular with the majority.

Creative thought is by definition new, and what is new is different. The bearer of every new thought is a rebel until that idea is refined and tested. Totalitarian systems attempt to maintain themselves in power by the ruthless suppression of any concept which challenges the established orthodoxy. The power of a democratic system to adapt to change is vastly strengthened by the freedom of its citizens to choose widely from among conflicting opinions offered freely to them. To stifle every nonconformist idea at birth would mark the end of the democratic process. Furthermore, only through the constant activity of weighing and selecting can the democratic mind attain the strength demanded by times like these. We need to know not only what we believe but why we believe it.

2. Publishers, librarians and booksellers do not need to endorse every idea or presentation contained in the books they make available. It would conflict with the public interest for them to establish their own political, moral or aesthetic views as a standard for determining what books should be published or circulated.

Publishers and librarians serve the educational process by helping to make available knowledge and ideas required for the growth of the

mind and the increase of learning. They do not foster education by imposing as mentors the patterns of their own thought. The people should have the freedom to read and consider a broader range of ideas than those that may be held by any single librarian or publisher or government or church. It is wrong that what one can read should be confined to what another thinks proper.

3. It is contrary to the public interest for publishers or librarians to determine the acceptability of a book on the basis of the personal history or political affiliations of the author.

A book should be judged as a book. No art or literature can flourish if it is to be measured by the political views or private lives of its creators. No society of free people can flourish which draws up lists of writers to whom it will not listen, whatever they may have to say.

4. There is no place in our society for efforts to coerce the taste of others, to confine adults to the reading matter deemed suitable for adolescents, or to inhibit the efforts of writers to achieve artistic expression.

To some, much of modern literature is shocking. But is not much of life itself shocking? We cut off literature at the source if we prevent writers from dealing with the stuff of life. Parents and teachers have a responsibility to prepare the young to meet the diversity of experiences in life to which they will be exposed, as they have a responsibility to help them learn to think critically for themselves. These are affirmative responsibilities, not to be discharged simply by preventing them from reading works for which they are not yet prepared. In these matters taste differs, and taste cannot be legislated; nor can machinery be devised which will suit the demands of one group without limiting the freedom of others.

5. It is not in the public interest to force a reader to accept with any book the prejudgment of a label characterizing the book or author as subversive or dangerous.

The ideal of labeling presupposes the existence of individuals or groups with wisdom to determine by authority what is good or bad for the citizen. It presupposes that individuals must be directed in making up their minds about the ideas they examine. But Americans do not need others to do their thinking for them.

6. It is the responsibility of publishers and librarians, as guardians of the people's freedom to read, to contest encroachments upon that freedom by individuals or groups seeking to impose their own standards or tastes upon the community at large.

It is inevitable in the give and take of the democratic process that the political, the moral, or the aesthetic concepts of an individual or group will occasionally collide with those of another individual or group. In a free society individuals are free to determine for themselves what they wish to read, and each group is free to determine what it will recommend to its freely associated members. But no group has the right to take the law into its own hands, and to impose its own concept of politics or morality upon other members of a democratic society. Freedom is no freedom if it is accorded only to the accepted and the inoffensive.

7. It is the responsibility of publishers and librarians to give full meaning to the freedom to read by providing books that enrich the quality and diversity of thought and expression. By the exercise of this affirmative responsibility, they can demonstrate that the answer to a bad book is a good one, the answer to a bad idea is a good one.

The freedom to read is of little consequence when expended on the trivial; it is frustrated when the reader cannot obtain matter fit for that reader's purpose. What is needed is not only the absence of restraint, but the positive provision of opportunity for the people to read the best that has been thought and said. Books are the major channel by which the intellectual inheritance is handed down, and the principal means of its testing and growth. The defense of their freedom and integrity, and the enlargement of their service to society, requires of all publishers and librarians the utmost of their faculties, and deserves of all citizens the fullest of their support.

We state these propositions neither lightly nor as easy generalizations. We here stake out a lofty claim for the value of books. We do so because we believe that they are good, possessed of enormous variety and usefulness, worthy of cherishing and keeping free. We realize that the application of these propositions may mean the dissemination of ideas and manners of expression that are repugnant to many persons. We do not state these propositions in the comfortable belief that what people read is unimportant. We believe rather that what people read is deeply important; that ideas can be dangerous; but that the suppression of ideas is fatal to a democratic society. Freedom itself is a dangerous way of life, but it is ours.

This statement was originally issued in May of 1953 by the Westchester Conference of the American Library Association and the American Book Publishers Council, which in 1970 consolidated with the American Educational Publishers Institute to become the Association of American Publishers.

A Joint Statement by:

American Library Association  
Association of American Publishers

Subsequently Endorsed by:

American Booksellers Association  
American Booksellers Foundation for Free Expression  
American Civil Liberties Union  
American Federation of Teachers AFL-CIO  
Anti-Defamation League of B'nai B'rith  
Association of American University Presses  
Children's Book Council  
Freedom to Read Foundation  
International Reading Association  
Thomas Jefferson Center for the Protection of Free Expression  
National Association of College Stores  
National Council of Teachers of English  
P.E.N. - American Center  
People for the American Way  
Periodical and Book Association of America  
Sex Information and Education Council of the U.S.  
Society of Professional Journalists  
Women's National Book Association  
YWCA of the U.S.A.

### Enclosure 4: Freedom To View

The Freedom To View, along with the freedom to speak, to hear, and to read, is protected by the First Amendment to the Constitution of the United States. In a free society, there is no place for censorship of any medium of expression. Therefore, we affirm these principles:

1. It is in the public interest to provide the broadest possible access to films and other audiovisual materials because they have proven to be among the most effective means for the communication of ideas. Liberty of circulation is essential to insure the constitutional guarantee of freedom of expression.
2. It is in the public interest to provide for our audiences, films and other audiovisual materials which represent a diversity of views and expression. Selection of a work does not constitute or imply agreement with or approval of the content.
3. It is our professional responsibility to resist the constraint of labeling or prejudging a film on the basis of the moral, religious or political beliefs of the producer or filmmaker or on the basis of controversial content.
4. It is our professional responsibility to contest vigorously, by all lawful means, every encroachment upon the public's freedom to view.

This statement was originally drafted by the Educational Film Library Association's Freedom to View Committee, and was adopted by the EFLA Board of Directors in February, 1979.

### **Enclosure 5: Free Access to Libraries for Minors: An Interpretation of the Library Bill of Rights**

Some library procedures and practices effectively deny minors access to certain services and materials available to adults. Such procedures and practices are not in accord with the Library Bill of Rights and are opposed by the American Library Association.

Restrictions take a variety of forms, including, among others, restricted reading rooms for adult use only, library cards limiting circulation of some materials to adults only, closed collections for adult use only, collections limited to teacher use, or restricted according to a student's grade level, and interlibrary loan service for adult use only.

Article 5 of the Library Bill of Rights states that, "A person's right to use a library should not be denied or abridged because of origin, age, background, or views." All limitations on minors' access to library materials and services violate that article. The "right to use a library" includes use of, and access to, all library materials and services. Thus, practices which allow adults to use some services and materials which are denied to minors abridge the use of libraries based on age.

Material selection decisions are often made and restrictions are often initiated under the assumption that certain materials may be "harmful" to minors, or in an effort to avoid controversy with parents. Libraries or library boards which would restrict the access of minors to materials and services because of actual or suspected parental objections should bear in mind that they do not serve in loco parentis. Varied levels of intellectual development among young people and differing family background and child-rearing philosophies are significant factors not accommodated by a uniform policy based upon age.

In today's world, children are exposed to adult life much earlier than in the past. They read materials and view a variety of media on the adult level at home and elsewhere. Current emphasis upon early childhood education has also increased opportunities for young people to learn and to have access to materials, and has decreased the validity of using chronological age as an index to the use of libraries. The period of time during which children are interested in reading materials specifically designed for them grows steadily shorter, and librarians must recognize and adjust to this change if they wish to serve young people effectively. Librarians have a responsibility to ensure that young people have access to a wide range of informational and recreational materials and services that reflects sufficient diversity to meet the young person's needs.

The American Library Association opposes libraries restricting access to library materials and services for minors and holds that it is the parents — and only parents — who may restrict their children — and only their children — from access to library materials and services. Parents who would rather their children did not have access

to certain materials should so advise their children. The library and its staff are responsible for providing equal access to library materials and services for all library users.

The word "age" was incorporated into article 5 of the Library Bill of Rights because young people are entitled to the same access to libraries and to the materials in libraries as are adults. Materials selection should not be diluted on that account.