

Policies & Procedures

Reconsideration of Challenged Materials

Materials in the Library's collection are selected under the guidelines established in the Library's "Collection Development Policy" which states that the Library Director is responsible for the selection of library materials and, under his/her direction, this responsibility may be delegated to staff who are qualified for this activity by reason of education, training, and experience.

The term "materials," as used in this policy, includes books, periodicals, pamphlets, pictures, photographs, audio recordings, films, video tapes, DVDs, software, databases, microforms, posters, displays, educational toys, and any other form or format in which information and ideas may be conveyed, either existing or as may be developed.

The Library recognizes that there will from time to time be citizen complaints or concerns about a specific title or type of material selected for or deselected (weeded) from the collection. When a complaint is made, the Library must ensure that the complaint is handled seriously and, equally important, that the fundamental principles of intellectual freedom are upheld. This policy provides the systematic approach to be followed.

Steps in the Request for Reconsideration procedure, detailed below, must be followed (in the order elaborated) by citizens when challenging materials, and by the Library staff, Director, and Board of Trustees when reconsidering challenged materials and rendering a decision about these materials. If citizens do not follow steps in the order elaborated, their complaint will not be considered further by Library staff, Director, or Board of Trustees.

The procedure detailed below addresses challenges to materials where the goal is to remove the material from the Library's collection or to otherwise limit access to the material. Although not specifically addressed, the same procedures apply to challenges in which the goal is to add the material to the Library's collection or to limit the Library's ability to weed the collection. In other words, this policy and its procedures apply to any and all challenges to the Library's collection.

- 1) **Initiation of Requests for Reconsideration.** Individuals or groups may initiate complaints about specific titles or types of materials in the Library's collection by putting a comment in the suggestion box, or talking to or writing to any member of the staff, the Director, or a member of the Board of Trustees. At this point, such communications are considered informal complaints. The appropriate response to an informal complaint is for the staff, Director or Board member to offer the complainant a Request for Reconsideration Form (appended to this policy). In addition, the rationale for having a formal complaint procedure should be explained. No further action is to be taken by staff, the Director, or a member of the Board of Trustees unless and until a Request for Reconsideration is made in writing on the appropriate form and the completed form is returned to the Library Director. Additionally, no further action can be taken unless and until the complainant returns the challenged material, if it is checked out to the complainant.

2) Acknowledgement of Receipt of Request for Reconsideration. Once a complaint is received in writing on the Request for Reconsideration form, it is acknowledged promptly by the Public Services Coordinator or the Library Director. The complainant is written a letter which describes the Library's procedure and the time it will take to reconsider the material thoroughly. Copies of this policy and the Library's "Collection Development Policy" are sent to the complainant as enclosures to the letter.

3) Inquiries about Specific Requests for Reconsideration. From time to time, complainants, other members of the public, the press, etc., may have questions concerning the status of a specific Request for Reconsideration. Questions should be addressed to the Public Services Coordinator or the Library Director.

4) Board Notification. The Library Board shall be notified by the Library Director in a timely fashion that a formal complaint has been made. Usually such notification will be done through the monthly Director's Report.

5) Staff Evaluation of Challenged Material. The Library Director appoints a committee of professional staff members to evaluate the challenged material. Usually, this committee is made up of two to three Librarians and/or Department Heads and is chaired by the Public Services Coordinator.

Members of the committee weigh several factors when reconsidering challenged materials: they read, listen to, or view the material in its entirety; they also look at the material in relationship to the Library's "Collection Development Policy" and to the rest of the collection; in addition, they look at what literary critics and reviewers think of the material. After coming to individual conclusions, the committee meets to discuss the challenged material.

The committee recommends one of several actions to the Library Director: to retain the challenged material in the collection; to retain the challenged material but to move it to another location in the collection; to withdraw the challenged material.

The Library Director then evaluates the challenged material, weighing the factors listed above, and considers the committee's recommendation. If the Library Director does not concur with the committee, he refers the matter back to the committee. If the Library Director concurs with the committee, he writes a letter to the complainant which states his decision and the reasoning behind the decision. This letter also outlines the steps the complainant must take to bring the matter to the attention of the Library Board of Trustees, if the complainant remains unsatisfied.

This step takes some time, usually a minimum of six to eight weeks. Until the director's decision is rendered, the challenged material is not available for use by other patrons to allow staff time to evaluate it.

6) Reconsideration by the Board. If still not satisfied, the complainant may choose to bring the matter

to the attention of the Manitowoc Public Library Board of Trustees.

This action may be taken only after receiving a written decision from the Library Director. To initiate Board consideration, the complainant should write to the Library Director or President of the Board and request that the matter be placed on the agenda of the next regular meeting. The letter must be received at least ten (10) days prior to the next regular meeting of the Board. If received after that time, the matter will be deferred automatically until the succeeding regular meeting. The Library Director or Board President shall acknowledge receipt of the letter from the complainant in writing, and shall include in the acknowledgement the schedule of Board meetings at which the matter will be considered.

Once the Request for Reconsideration is on the agenda, the Board shall decide by a majority vote of the members present whether it wishes to consider further the Request for Reconsideration.

If the Board votes to consider the matter further, an ad hoc review panel is selected to evaluate the challenged material, a public hearing date is set, and the matter is placed on the agenda for the next regular meeting of the Board. If the challenged material is lengthy, the matter may be postponed one regular meeting. The challenged material is recalled from circulation and is not available for use by other patrons to allow members of the ad hoc committee time to evaluate it.

If the Board does not vote to consider the request further, the matter is ended.

7) Ad Hoc Review Panel. The ad hoc review panel is selected by random drawing of three names from the Library Board roster. Members of this panel weigh several factors when reconsidering challenged materials: they read, listen to, or view the material in its entirety; they look at the material in relationship to the Library's "Collection Development Policy" and to the rest of the collection; in addition, they look at what literary critics and reviewers think of the material.

After coming to individual conclusions about the challenged material, each member of the panel completes a Board Evaluation of Challenged Material Form (appended to this policy). Each recommends one of several actions to the Library Board of Trustees: to retain the challenged material in the collection; to retain the challenged material but to move it to another location in the collection; to withdraw the challenged material. These recommendations are made with reference to the fundamental principles of intellectual freedom.

The panel's completed Board Evaluation of Challenged Material Forms will be included in the packet for the meeting at which the final decision on the material will be made. They must be returned to the Library Director no later than ten (10) days prior to the meeting date.

8) Public Hearing. The public hearing on the Request for Reconsideration may be held as part of a regular Board meeting or may be held as a special meeting set for that purpose only. The Board shall decide this as part of its decision in step number 6 (above). In addition to noticing the public hearing, the Library Director will issue a news release to inform citizens of the date, time and nature of the public

hearing.

The President of the Library Board of Trustees shall chair the public hearing. In the President's absence, the Vice-President will assume this responsibility. After calling the meeting to order, the Chair should review the procedures to be followed at the meeting, and the process followed up to this point for reconsideration of the material. The Library Board should announce at the beginning of the hearing that it will issue its decision at the next regularly scheduled meeting, and that the hearing is simply to hear all sides of the issue.

Citizens wishing to make comments shall sign in and register on which side they will be speaking. Speakers should be allowed to speak in the order they signed in. The President of the Board shall decide whether to set time limits. If these are set, a timekeeper shall be appointed and each speaker shall be limited to a specific amount of time, e.g., three or four minutes. No participant shall be allowed to speak a second time until everyone registered has been heard once.

Seating will be provided for the public at the hearing. Speakers and other members of the public shall sit and speak from an area designated for that purpose. Members of the press are required to remain in the public seating area throughout the hearing.

9) Board's Decision on Challenged Material. Having voted to consider the matter further in step number 6 (above) and having placed the matter on the agenda, final action on the disposition of the challenged material is taken at the next regular meeting of the Board (unless the challenged material is lengthy, in which case the matter may be postponed one regular meeting). The Board's final decision is announced publicly at this meeting. A vote in favor of at least six members of the Board (a majority vote of the full Board) shall be required to remove materials from the Library's collection, to move materials from one collection to another, or to otherwise restrict access to materials.

Whatever the board's decision, the principles of the Library Bill of Rights should be reiterated and how the decision is in accordance with those principles, should be explained. A very brief statement of the reason for the decision should also be made; e.g., "We have concluded that the material meets our selection criteria, and will be retained without restriction."

10) Forms Appended: