



# Policy Manual

## Contents

|  |    |
|--|----|
| Mission .....  | 2  |
| Visions .....  | 2  |
| Values .....   | 2  |
| Administration.....                                    | 3  |
| Services .....   | 3  |
| Rules of Conduct .....                                 | 4  |
| Child Behavior and Supervision .....                   | 5  |
| Accounts and Circulation .....                         | 7  |
| Collection Development .....                           | 11 |
| Interlibrary Loan .....                                | 15 |
| Computer and Internet .....                            | 16 |
| Social Media .....                                     | 18 |
| Charging Stations .....                                | 19 |
| Hotspot Lending Policy .....                           | 20 |
| Loan Policies for Technology Devices .....             | 21 |
| Meetings, Exhibits and Displays .....                  | 22 |
| Bulletin Boards .....                                  | 23 |
| Physical Facilities .....                              | 23 |
| Public Meetings Notice .....                           | 24 |
| Law Enforcement Requests For Patron Information .....  | 26 |
| Library Director Responsibilities .....                | 28 |
| Appendix   |    |
| Library Bill of Rights .....                           | 29 |
| Libraries: An American Value .....                     | 30 |
| Code of Ethics .....                                   | 31 |
| The Freedom to Read Statement .....                    | 32 |
| Freedom to View Statement .....                        | 36 |
| Access to Electronic Information .....                 | 37 |
| Free Access to Libraries for Minors .....              | 40 |
| Restricted Access to Library Materials .....           | 42 |
| Exhibit Spaces and Bulletin Boards .....               | 44 |
| Confidentiality of Records .....                       | 46 |
| Request for Reconsideration of Library Materials ..... | 48 |
| Notice of Suspension of Library Privileges .....       | 50 |
| Waiver of Damages for Exhibits .....                   | 51 |

## **Mission**

The mission of the Silver City Public Library is to:

- Provide access to information and ideas
- Foster literacy, life-long learning, and creativity
- Connect people to each other and the wider world
- Strengthen our communities

## **Vision**

The Silver City Public Library is a gateway to the knowledge and information needed to sustain a healthy, thriving community.

## **Values**

- **Accountability:** We are honest and responsible stewards of our resources.
- **Service:** We assist everyone with courtesy, kindness, patience, and respect.
- **Equality and inclusivity:** We provide free and equal access to services, resources, and programs.
- **We believe in equality of access and opportunity.**
- **Knowledge:** We believe in the importance of curiosity, access to information, and learning for personal and community growth.
- **Place:** We believe in the importance of providing a welcoming place for people to connect with each other and explore independently.
- **Essential Resource:** We believe that libraries are integral to our communities.

## Administration

The Library is a department of the Town of Silver City. The Silver City Public Library accepts and complies with the ordinances of the Town of Silver City. Library personnel will conform to the personnel policy of the Town of Silver City. The library personnel will be hired through the Town of Silver City hiring process.

The Library has a Municipal Library Community Advisory Group and the roles and responsibilities of the Library Advisory group are found in the Town of Silver City Ordinances and the Town Manager Charge to Library Community Advisory Group.

The Silver City Public Library accepts and complies with the New Mexico State Library's guidelines for public libraries. Acceptance of the guidelines includes periodic review and updating of the Community Analysis and Needs, Collection Development Policy and Strategic Plan and submitting these plans to the New Mexico State Library, and compliance with the parts of the New Mexico Administrative Code dedicated to public libraries.

The Public Library adopts the American Library Association's Library Bill of Rights and its interpretations. See appendix.

## Services

Library services will be provided during the hours that best meet the needs of the community. In terms of services, the Silver City Public Library adopts the American Library Association's Bill of Rights and interpretations. Section 5 is as follows.

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

Use of the Library or its services may be denied for cause. Such cause may be failure to return books, failure to pay penalties, destruction of library property, disturbance or harassment of members or staff, or any other behavior that violates the Library's Rules of Conduct. Use of the library or its services shall be limited for some individuals or groups if their demands are excessive and tend to curtail services to the general public.

Periodic review of operating hours and services will be made by Library Staff with input from the Municipal Library Community Advisory Group to determine whether operating hours or services should be discontinued, altered or other services should be added.

## Building Use Policies

The Silver City Public Library is open to all visitors. The following policies ensure the rights of the public to access the library and its resources.

The library is a department of the Town of Silver City, thus the library will follow all Town Ordinances pertaining to using and accessing the building. The library will also follow all New Mexico Statutes and Fire Codes pertaining to using and accessing the building.

Examples of ordinances, statutes, and codes that will be enforced by staff include, but are not limited to:

- The Town does not allow smoking, vaping, or eCigs in town buildings, therefore this is not allowed in the library.
- New Mexico statutes allow breastfeeding in public spaces where the mother is authorized to be present.
- The fire code requires stairways and entries to be free of any obstructions.

For a complete list of town ordinances, visit the following link, or request assistance from library staff to get copies of these ordinances.

[https://library.municode.com/nm/silver\\_city/codes/code\\_of\\_ordinances](https://library.municode.com/nm/silver_city/codes/code_of_ordinances)

These rules have been formulated with the cooperation of the Town Attorney.

Activities or items not allowed in the building:

- Criminal activities in violation of federal, state, or local laws. Library staff may contact law enforcement authorities if a staff member reasonably suspects that a criminal offense has been committed on library premises.
- Activities that may damage the building, damage library property, or cause injury to visitors or staff. These activities can be considered a criminal activity.
- Harassment, including physical, sexual, or verbal abuse.
- Deadly weapons, except those allowed by law.
- Soliciting, panhandling, begging, or selling in the building or near the outside entrances.
- Shaving, bathing, washing, or cutting hair in any parts of the building.
- Sleeping, the appearance of sleeping, and lying down; except for children age three and under, who may sleep.
- Any behavior, including noise, that disturbs other users or employees of the library so as to disrupt their use of the library or their work.
- Refusing to follow the reasonable directions of library employees.
- Running.
- Bicycles and scooters.
- Open beverage containers. Containers must have lids.
- Unattended belongings left for long periods of time. The library is not responsible for unattended belongings.

- Inappropriate attire. Shirts and shoes must be worn in the building at all times. Children age three and under may go without shoes, but parents/caregivers are responsible for the safety of their children if they allow them to go without shoes.
- Food. Visitors using the large meeting room may be allowed to have food with prior approval from a library supervisor. Children age three and under may have simple snacks.

## **Silver City Public Library Child Behavior and Supervision**

All children are welcome in the library.

The Responsibility for the safety and behavior of children in the library rests with the parent or caregiver and not with the library staff.

Children under the age of eight must have a parent/caregiver in the same area of the library as the child. If taking the place of a parent, the caregiver must be at least 12 years old and know emergency contact information.

When children are unaccompanied by a parent or caregiver, parents are still responsible for the actions and safety of their children.

The children's area of the library is reserved for children, their parents or caregivers and adults interested in children's literature, such as teachers and college students taking children's literature classes. Adults who are unaccompanied by a child or children in the children's area of the library may be questioned by staff and may be asked to move to another area of the library.

### *Children's Rules of Conduct in All Areas of the Library*

Children are expected to conform to the same building use policies as adults. Parents or caregivers are responsible for picking up toys and other materials used by their child. If a screaming child or crying infant cannot be quieted, the parent or caregiver may be asked by staff to remove the child from the building. Staff members will address parents and caregivers when the children in their care do not conform to the building use policies. Children who violate the building use policies may be asked to leave the library. If the unacceptable behavior continues, the child may lose his/her library privileges and may be banned from the library for an amount of time to be determined by library supervisors. The parent will be informed of this action in writing.

### *Staff Procedures for Unattended Children*

Staff will comfort children left unattended if they are frightened or crying.

If it is determined that a child is lost or left unattended, a staff member will try to identify and locate or contact the parent or caregiver.

When the parent or caregiver is located or contacted they will be informed of the library's policy and asked to either join the child or to pick the child up as soon as possible. If library staff are unable to contact the parent or caregiver, law enforcement will be called upon to take responsibility.

A staff member will stay with the child until a parent, caregiver, or law enforcement officer arrives to take over the responsibility.

Parents or caregivers should be aware of library closing times. If a child is in the library after hours, library staff may attempt to contact a parent or caregiver but may also immediately contact law enforcement. A staff member will not take a child away from library property unless there is an emergency evacuation. Library staff will not transport children to another location in a vehicle.

It may be necessary for the library to close, without prior notice, due to unusual or emergency situations. Unaccompanied children must be able to contact a parent or caregiver, or know their contact information, to arrange pick-up in an emergency.

### *Teen Room Rules of Conduct*

The Silver City Public Library welcomes all young adults to use our Teen Room and its resources. Our services and programs are offered to encourage teens to visit the library, to offer a safe space to hang out, and to help teens develop a love of books, reading, and libraries.

The room is restricted to young adults from 12 to 19 years of age.

Parents and caregivers are allowed in the Teen Room to check on the youth, but parents and caregivers are not allowed to stay in the Teen Room.

## Accounts and Circulation Policy

The Silver City Public Library is open to both residents and visitors. The library encourages the community to take advantage of both in-house and digital services.

### Accounts

#### *Member in good standing*

A library user is considered a “member in good standing” if they meet the following requirements:

- Their account is not a new account.
- Their account is not expired.
- They have no charges on their account.
- They have no nonrenewable overdue items on their account.

Library staff reserve the right to revoke a member’s “good standing” status if the member violates library policies. Examples include, but are not limited to, repeatedly returning technology equipment late or damaging library equipment. Members are invited to speak with a library supervisor about restoring their “good standing” status.

#### Types of library cards:

- Physical cards that can check out both physical and digital resources. To get this type of card, you either must sign-up in the library or sign-up online and then pick up the card at the library. The account will not be active until the card is picked up at the library.
- E-cards that can only check out or access digital materials.

#### *Types of accounts*

Types of resident accounts: New Member, Adult, Teen, Juvenile, and Group

Type of non-resident account: Visitor

Resident accounts are for those that are living within Grant, Hidalgo or Catron Counties including students and faculty of Western New Mexico University, persons living in shelters, and persons who are homeless yet still live in the county. Residents of Hillsboro and Kingston (Sierra County) are also eligible for library accounts. Residents of Luna County that live near Faywood (Grant County) are also eligible for library accounts. General delivery addresses are acceptable.

Non-resident accounts are those whose legal residences are outside of Grant County and are staying in extended stay facilities (examples include RV parks, hotels, motels, and bed and breakfasts).

Upon creation of a library account, applicants will be issued a free library card. If the member loses or destroys the card for any reason, then a fee will be charged for a replacement card. All resident accounts expire every two years and account information needs to be updated to renew the account.

Members must use their own cards to check out materials. If unable to visit the library, members can designate a representative to check out materials on their card, but this representative must have the member’s card to check out. If a member has forgotten their card, they may use their picture ID up to three times to check out. After this they must get a replacement card. Members must be in good standing to check out materials. If not, library staff can at their discretion allow checkout of materials.

A. New Member (Adult, Teen, Juvenile)

The term “new account” means an account that is in its probationary period. A new library member’s account will be considered in its probationary period for six weeks after it is issued. After six weeks, the probationary period is over and a New Member (Adult, Teen, and Juvenile) becomes an Adult, Teen, or Juvenile member. E-cards will have no probationary period.

A new member can use their account to borrow all library materials except interlibrary loan items, internet hotspots, or other electronic devices. There is a limit of five items on a new member’s account.

Account eligibility for New Member (adult):

- Must meet residency requirements as stated above.
- Applicants must be 18 years of age or older.
- Applicants must show a valid driver’s license or identification card to receive a card.
- Applicants must be present in the building when creating an account; or, if using our online account sign-up, must come to the library to pick up their card.

Account eligibility for New Member (child or teen):

- Must meet residency requirements as stated above.
- Not required to show a driver’s license or identification card picture ID if under the age of 18.
- Must be at least four years of age.
- Applicant must be present when creating an account. Exceptions may be made for school groups.

B. Adult

Adult members are limited to 20 items on their account at one time. Within the 20-item limit members are limited to 5 each of videos, periodicals, and audio books.

C. Juvenile and Teen

Teen and Juvenile members may only check out technology devices that are designated by library staff as designed specifically for children and teens. Members are limited to 20 items on their account at one time. Within the 20-item limit members are limited to 5 each of videos, periodicals, and audio books. Only parents and adult guardians can restrict access by minors to library resources. Children who visit the library without a parent or guardian are responsible for their own decisions. Library staff cannot restrict minors from checking out library materials.

D. Digital Account (E-card)

Account eligibility for Digital Member:

- Must meet residency requirements as stated above.
- Applicant not required to show a valid driver’s license or identification card.
- Applicant must be thirteen years of age or older.
- Applicant must have an active email account.
- Applicant’s account number will be emailed.

E. Group

Account eligibility for Group members:

- Applicant must have a mailing address within Grant County.
- Applicant must provide a mailing address and a street address.
- Applicant representative be at least 18 years of age.
- Applicant representative must show a valid driver's license or identification card to receive a card.
- Applicant representative must be present in the building when creating an account.
- E-cards are not available for Group accounts.

A Group account can be created for organizations but only at the discretion of the Library Director or Assistant Director. Group accounts may not check out ILLs or technology devices unless approved by the Library Director or Assistant Director. One individual from the organization must be designated as the representative for the group and responsible for the card and compliance with all library policies. Group members are limited to 20 items on their account at one time. Within the 20-item limit members are limited to 5 each of videos, periodicals, and audio books.

F. Visitor

Account eligibility for Visitor members:

- Applicants must have a valid driver's license or identification card.
- Applicants must provide a mailing address and street address.
- Applicants must be at least 18 years of age.
- Applicants must be present in the building when creating an account.
- Applicants must provide a phone number or email address.
- E-cards are not available for visitor accounts.

Visitor accounts are for persons who will be residing in the area for a few weeks or months, but are not permanent residents. Before leaving the area they must pay any outstanding fines and fees and return the library card. Visitors cannot check out interlibrary loans (ILLs) or technology devices. Visitor members are limited to 5 items on their account at one time. Account expiration dates are determined by the length of time the members are in the area.

**Circulation**

Circulation of library materials is limited to those who are eligible for library cards and are members in good standing.

*Loan periods*

Loan periods for physical items are determined by the Library Director after consultation with library staff and the Municipal Library Advisory Group. Loan periods for digital items are determined by the library and vendors.

*Renewals*

Physical materials may be renewed once by members or staff if there are no reserves on the item(s) or blocks on the member's account. Second renewals are at the discretion of the library staff only. Renewals can be in person at the library, on the telephone, or via the library's website if it is a first time renewal. Digital materials may be renewed, except in some services that have waiting lists for items.

*Limits on Circulation*

The Library Director after consultation with library staff sets the limits on the number of items that can be checked out per card. This limit is determined by the demand on items and maintaining a balanced collection available for checkout on any given day. Limits for digital materials are determined by the library and vendors.

*Fines and Fees*

Fines and fees are determined by the Library Director after consultation with library staff and the Municipal Library Advisory Group and are subject to change depending on staff time involved in resolving fines and fees, cost of materials and the replacement cost of items. If a member pays for a lost item and finds the item later, they may get a refund of their payment if they return the item to the library within one month of the payment. Fines are not charged on overdue materials except for interlibrary loans (ILLs) and technology devices.

Members are responsible for paying for lost and damaged items. Damaged items are inspected by library staff, who determine whether replacement cost will be assessed and notify members. For fines and fees, members can establish a payment plan and still be allowed full or restricted checkout privileges. Payment plans are arranged by library staff.

Fees:

|  |                                  |
|--|----------------------------------|
| Missing barcode  | \$3.00                           |
| Damaged or lost A/V case                                       | \$8.00                           |
| Damaged or lost CD sleeve                                      | \$3.00                           |
| Damaged or missing CDs<br>(if vendor provides replacement CDs) | \$8.00                           |
| Damaged or missing CDs<br>(no vendor replacement)              | replacement cost                 |
| Cleaning a book or A/V case                                    | \$8.00                           |
| Missing book jacket  | \$3.00                           |
| Missing spine label  | \$8.00                           |
| Damaged or lost item   | replacement cost                 |
| Any other damage (e.g. torn page)                              | \$8.00                           |
| ILL late Fees  | \$1.00 per day (\$30.00 maximum) |
| Damaged or lost ILL<br>(determined by the lending institution) | replacement cost                 |
| Wi-Fi device late fees   | \$2.00 per day (\$100 maximum)   |
| Wi-Fi device book return penalty                               | \$25.00                          |
| Wi-Fi device replacement fee                                   | \$100                            |
| All other technology devices                                   | replacement cost                 |
| Missing technology device components                           | replacement cost                 |

*Reserves*

Members in good standing can place reserves on items that are checked out. Reserves can be done in the library, over the telephone and using the library’s website. A member can have a maximum of 5 reserves at one time.

### *Digital Collections*

Downloadable items are available for members with computers, tablets, eReaders, or any smart device capable of downloading the necessary apps. These materials are made available via third party vendors and you must accept their terms of service to use the resources. To use these services, a member's account should have no overdue items and fines, and should not be expired.

## **Collection Development Plan**

### **Mission**

The mission of the Silver City Public Library is to:

- Provide access to information and ideas
- Foster literacy, life-long learning, and creativity
- Connect people to each other and the wider world
- Strengthen our communities

### **Vision**

The Silver City Public Library is a gateway to the knowledge and information needed to sustain a healthy, thriving community.

### **Values**

- **Accountability:** We are honest and responsible stewards of our resources.
- **Service:** We assist everyone with courtesy, kindness, patience, and respect.
- **Equality and inclusivity:** We provide free and equal access to services, resources, and programs. We believe in equality of access and opportunity.
- **Knowledge:** We believe in the importance of curiosity, access to information, and learning for personal and community growth.
- **Place:** We believe in the importance of providing a welcoming place for people to connect with each other and explore independently.
- **Essential Resource:** We believe that libraries are integral to our communities.

### **Introduction**

The Collection Development Policy, with input from the Municipal Library Community Advisory Group and the Town of Silver City, guides the Library in meeting diverse community needs; and protects the collection from societal and political pressures.

The Public Library provides materials, in a variety of popular formats, to serve the popular and recreational needs of its community and reflects the diversity of the community. Patron use and requests are the most powerful influences on the collection. The library also selects materials to provide depth and diversity of viewpoints. Local authors, local history and materials that will enhance the Southwest Research Collection are other areas of focus. The library has materials for self-study and home schooling, but is not primarily designed to furnish reading for academic study. Classification of materials is at the collection development team's discretion. Print materials are still important to our

patrons, but there is an increasing demand for digital resources. The Library adheres to the American Library Association's Bill of Rights in all services including collection development.

### **Description of Current Collection**

The physical collection currently contains approximately 50,000 physical items including books, periodicals, audio books, music CDs, and DVDs. Most of the physical items in the collection are in English with a small collection of adult and children's materials in Spanish. There is also a bilingual (Spanish and English) collection in the children's materials. The Music CD format will be gradually eliminated from the collections, as the demand for this is decreasing. The Library purchases many of the best sellers and has a strong southwest non-fiction and large print collection.

The Library also provides access to downloadable e-books and audiobooks through the New Mexico Library to Go (OverDrive) consortium, currently there are approximately 18,500 titles in this collection. In direct response to patron requests, the library recently added other digital resources (currently Flipster, Hoopla, Ancestry.com and Comics Plus) to provide additional periodicals, e-books, audiobooks, movies, TV shows, music, and genealogy/local history materials. The library also offers a foreign language instructional program (Rocket Languages). In the future, these online resources may change to meet community needs, but there will be an effort to provide these types of online services as there is demand for these from the community.

The reference collection is non-circulating and is very strong in local history materials including books, vertical files, photographs, and various other print sources. Parts of the local history collection have been digitized including indexes, finding aids, newspapers, and a few other sources.

### **Collection Priorities**

Collection priorities are patron driven. Title requests are fulfilled as budget and demand allow, giving a direct connection with patrons. In the area of adult fiction, the library receives requests from patrons for both bestsellers and literary fiction. There is also a demand for diverse authors. In adult non-fiction, several areas have been in demand historically and continue to be so today. These topics include outdoor recreation, current events that impact New Mexico and the western part of the U.S., do-it-yourself (DIY) materials, local history, and sustainable living. In this area too, there is now a demand for diverse topics. In the children's collection, demand has increased for children's side-by-side bilingual materials (Spanish and English), graphic novels, and diverse authors and topics, along with ongoing demand for bestsellers. In the young adult collection, patron demand is for bestsellers and graphic novels, especially anime.

### *Funding*

Funding for collections is available from several sources including the Town of Silver City budget, the New Mexico State Library Grant-in-aid, New Mexico State GO Bonds, Memorial funds (donated money), the Friends of the Library, the Library Foundation, and donations and grants received from citizens and foundations.

### *Selection*

Who does the selecting:

The director, the assistant director, the technical services coordinator, and the public services manager work as a collection development team to make decisions on adult materials. The director, the

children's and young adult librarian, and technical services coordinator make the decisions on children's materials. The library director will be responsible for making the final purchasing decisions.

### *Selection Decisions*

The collection development team use their knowledge and experience in selecting materials; and for patron request, the team will if the item will be purchased or acquired temporarily using interlibrary loan. Material selection is based on the following criteria:

- Relevance to interests and needs of the community
- Extent of publicity, critical review and current or anticipated demand
- Current or historical significance of the author or subject
- Local significance of the author or subject
- Relevance to the existing collection's strengths and weaknesses
- Reputation and qualifications of the author, publisher or producer
- Suitability of format to library circulation and use
- Date of publication
- Price, availability, and library materials budget
- Resources required by the New Mexico State Library

### *Collection Management*

In order to maintain a current, relevant collection as new items are added, other items are reviewed for their ongoing value and sometimes withdrawn from the collection. Materials, including memorials, which are no longer useful in the light of stated objectives of the Library will be systematically weeded from the collection according to accepted professional practices. This is to ensure that the needs and demands of the Library's users and potential users are being met to the best of our ability—by providing current up-to-date materials that are attractive and appealing to our patrons—and to closely monitor the strengths and weaknesses of the collection. When materials are withdrawn from the collection, they are given to the Friends of the Library, placed on the discard shelf, or recycled at the discretion of the Library staff.

Specific criteria used in weeding materials may include:

- Damage or poor condition
- Number of copies in the collection
- Relevance to the needs and interest of the community
- Current demand and circulation
- Accuracy and timeliness
- Local interest
- Availability elsewhere
- Deemed to be of an enduring nature

### *Memorials, Gifts and Special Collections*

The Library accepts gifts in various formats with the understanding that they retain the authority to accept or reject any donation. Gifts must be unconditional and become the property of the Library to be added to the collection or disposed of in an appropriate manner. The Library makes an effort to dispose carefully and thoughtfully of all gift materials which it does not add to its collection. Items not added may be offered to other libraries or institutions. Donated materials may be given to the Friends of the

Library for their book sale. Upon request, a receipt will be issued for donated items. However, determination of dollar value will be left to the donor.

The Library accepts monetary and material memorial donations. Notification of the donation will be sent to the family of the deceased and an appropriate title will be purchased and placed in the collection. The donor may request a specific title or subject

### *Complaints Concerning Materials*

The Public Library will uphold the American Library Association's 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.

- I. 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.
- II. 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.
- III. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.
- IV. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.
- V. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.
- VI. 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 19, 1939, by the ALA Council; amended October 14, 1944; June 18, 1948; February 2, 1961; June 27, 1967; January 23, 1980; inclusion of "age" reaffirmed January 23, 1996

- All complaints concerning materials in the Library are to be referred to the Library Director.
- If a person wishes to object to any material in the Library, he/she must fill out the form "Request for Reconsideration of Library Materials" and submit this to the director.
- The Director will appoint library staff to review the item(s). If the complaint is about a children's or young adult book, the Children's and Young Adult Librarian will be part of this review. The recommendations of the library staff will be submitted in writing to the director.
- The Library Director will review the item(s) and staff recommendations and reply in writing to the person within a period of two weeks.
- If the complainant is not satisfied by the Library Director's reply, he/she may refer the complaint to the Library's Advisory Group at the next regular meeting of the Board.

Date of plan: 2022-2027

## Interlibrary Loan Policy

Interlibrary Loan (ILL) is a service provided by the Silver City Public Library to access materials not in the collection and is subject to the borrowing rules of the Silver City Public Library and the lending library that supplies the borrowed item.

Patrons may request an ILL in person, over the phone, or online on the library's catalog. Please provide as much information about the item as possible.

Only patrons in good standing may request ILL items. Patrons with new cards may not borrow ILL items as their first checkouts; they must wait until they have full checkout privileges to request ILL materials.

Requests are limited to 6 per fiscal year (July 1 - June 30). Depending on the policies of lending libraries and the rarity of the items, some items may not be obtainable. In this case, the request for the item will not be counted toward this limit.

Patrons may request books and other media items including audiobooks, DVDs, music CDs, microfilm, and journal articles. Digital periodical items or photocopies need not be returned.

The Silver City Public Library will not make ILL requests for items in our collection or that of the Western New Mexico University Miller Library. If the item is in the public library's collection, it may be placed on reserve. If the item is in Miller Library's collection, the patron will be informed that it is available there.

The lending library determines the borrowing period of each item and may place restrictions on the use of materials. Renewals are determined by the lending library.

A fine of \$1.00 per day will be imposed on overdue ILL items.

The patron is responsible for the replacement cost for lost or damaged materials, any processing fees charged by the lending library, and any copying charges.

## Computer and Internet Policy

The Silver City Public Library provides public computers with access to the Internet, and wireless internet for community members to use with their own devices.

Internet history on the public computers is deleted daily and confidentiality is protected as required by state law. The Silver City Public Library avoids collecting or maintaining records that could compromise the privacy of users. Nevertheless, users must also exercise caution when using the Internet to avoid unauthorized disclosure of information. Internet connections cannot be guaranteed to be impervious to security breaches.

Library equipment may not be used for illegal activities, including, but not limited to, hacking, installation, downloading, damaging or modifying equipment or software. Users will respect copyright laws and licensing agreements.

The Silver City Public Library reserves the right to deny computer access to anyone who misuses the equipment or does not abide by library policies. Users must end their session and leave the terminal when asked to do so by Library staff.

Time limits, number of sessions, and printing costs or limits are determined by the library.

Not all sources on the Internet provide accurate, complete or current information.

The Silver City Public Library, unlike schools, does not serve in place of a parent. The Library's policy shall not relieve parents and legal guardians of their ultimate responsibility to monitor and guide their own children's use of all library resources, including the Internet. Parents are encouraged to take an active role in their children's use of the Internet and talk about their personal values and expectations for their children's use of this resource. Federal law has been implemented to provide a Children's Internet Protection Act (CIPA) which mandates filtering on all library Internet terminals.

To comply with the Children's Internet Protection Act [Pub. L. No. 106-554 and 47 USC 254 (h)], the Silver City Public Library utilizes software and staff monitoring to restrict access to inappropriate media that are harmful to minors; provide for safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications; prevent unauthorized access and other unlawful online activity; and prevent unauthorized online disclosure, use, or dissemination of personal identification information of minors.

To the extent possible, technology protection measures (Internet filtering software) shall be used to block or filter access to inappropriate information on the Internet. Inappropriate material is defined as "visual depictions of material deemed obscene or child pornography, and material deemed harmful to minors", i.e., depictions of human nudity for the purpose of erotic arousal, and depictions of violence for the purposes of sensationalism. Subject to staff supervision, technology protection measures may be disabled in the case of adults, only for bona fide research or other lawful purposes. If you believe access to information has been unjustly denied, please contact the Library Director. Procedures for disabling or

otherwise modifying any technology protection measures shall be the responsibility of the Library Director or their designee.

As required by CIPA, the Silver City Public Library has implemented technology protection measures (software) to prevent inappropriate network usage: unauthorized access, including so-called “hacking” and other unlawful activities; and unauthorized online disclosure, use, or dissemination of personal identification information of minors.

Terms:

Technology Protection Measure- The term “technology protection measure” means a specific technology that blocks or filters Internet access to visual depictions that are

- a) obscene, as that term is defined in section 1460 of title 18, United States Code;
- b) child pornography- as that term is defined in section 2256 of title 18, United States Code;  
or
- c) harmful to minors

Harmful to Minors- the term “harmful to minors” means any picture, image, graphic image file, or other visual depiction that:

- a) Taken as whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;
- b) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
- c) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

Sexual Act; Sexual Contact- The terms “sexual act” and “sexual contact” have the meanings given such terms in section 2246 of title 18, United States Code.

## Social Media Policy

The Silver City Public Library uses various social media platforms to inform the public about library activities and resources and to provide another way for the public to communicate with the library. The official source of information on the Internet for the Silver City Public Library activities and resources will be the Library's website and social media pages/profiles. Information shared by others elsewhere on the Internet may contain errors. Comments or posts on the Library's social media sites do not reflect the position of the Silver City Public Library, and the Library is not liable for comments or feedback posted by any user/subscriber to the Library's social media. The Library has no affiliation with any advertisements or other material posted by third party sites or software. Appearance of external links does not constitute official endorsement on behalf of the Library, nor do they represent the views of the Library. Users participate at their own risk, taking personal responsibility for their comments, their username, and any information provided. Participation in the Library's social media implies agreement with all Library policies. The Library's social media content is automatically archived for public records purposes.

### Guidelines for Employees

- Only employees designated by the Library Director or Assistant Director may post on the Silver City Public Library's social media accounts.
- When conducting Library business, use Library accounts and not personal accounts.
- Do not engage in commercial, political or religious activities.
- Follow Town of Silver City policy on confidentiality of personal information, and all other Town policies as stated in the Town Employees Personnel Manual, including, but not limited to, internet use, and prohibitions against harassment and workplace violence.
- Do not comment on legal matters or matters under litigation without appropriate approval.
- If in doubt on the content of a post, get a supervisor's approval.
- Abide by copyright and trademark restrictions.
- All use of social media should be consistent with applicable state, federal, and local laws, regulations, and policies.
- Acceptable postings, include, but are not limited to, the following: library information/events/programs/employment, community information/events/public meetings, public service announcements, and emergency information.

### Guidelines for Users

The Silver City Public Library will moderate all public comments on the Library's various social media platforms. The Library has the right to remove content that is deemed inappropriate. Individuals who violate these terms may be barred from further postings. Inappropriate comments or posts include, but are not limited to the following:

- Substantially off topic
- Fraudulent, or impersonating someone else
- Use profane or vulgar language

- Content that degrades others on the basis of race, color, religion, sex (including pregnancy, sexual orientation, or gender identity), national origin, age, or disability
- Threatening or harassing
- Personal attacks against others
- Information that can cause harm to individuals or groups
- Sexual content or links to sexual content
- Content that reveals private or personal information without permission
- Inappropriate photographs including but not limited to images involving alcohol, nudity, or graphic violence
- Illegal activity
- Copyright, trademark and intellectual property violations
- Advertisements or solicitations for commerce or fundraising
- Organized political activity
- Executable programs

## **Charging Stations**

The Library provides charging stations for its Members to charge mobile devices. Members can also use the various electrical outlets in the building to charge their devices.

If an electrical outlet is being used, Members must get permission from library staff to unplug any power cord from the electrical outlet.

The Library is not responsible for the loss or theft of unattended devices or the components of the devices.

The Library is not responsible for any damage to devices that occur when using the Library's charging stations or electrical outlets.

## Hotspot Lending Policy

- Only current Silver City Public Library cardholders in good standing and 18 years of age or older can check out hotspots. Parents/guardians are responsible for devices used by underage patrons.
- The borrower accepts full responsibility, including all financial penalties, for the hotspot while they are borrowing it; including device damage, loss, or theft.
- The borrower will not use the device for illegal or criminal purposes or use the device to violate copyright laws or software licensing agreements. The borrower must not tamper with the hotspot or attach any equipment not designed for use with the device.
- The hotspot checks out for one week. The checkout limit is one device per household at any given time. There are no renewals on hotspots.
- Once a hotspot is returned by a customer/household, then the customer/household must wait three weeks before checking out another hotspot.
- The hotspot must be returned to the circulation desk inside the building during library operating hours. The hotspot cannot be returned in the outside book return. If the hotspot is returned in the book return, the patron will be responsible for a penalty for returning it in the book return, plus any damages to the device.
- Wi-Fi service will be terminated if the hotspot is not returned on time.
- The Library reserves the right to suspend borrowing privileges to anyone who abuses equipment or is repeatedly late in returning hotspots or who places the devices in the book drops.

## **Loan Policies for technology devices**

The library offers technology devices for all ages to use exclusively inside the library building, including laptops and Playaway tablets. The devices are available on a first-come, first-served basis.

### *Technology Devices for adults*

To use a device, users must present a valid resident's library card or visitor's card and be a patron in good standing. Only adults may borrow a laptop. Library staff will check the item out on the user's account.

There is a limit of one device per person, two devices per household.

There is a limit of two hours using the device if there are people waiting.

The person who borrows a technology device using their library card is responsible for the item while they have it checked out. Do not leave the device unattended. Report any loss or damage to library staff immediately.

Users are responsible for returning the device in working order and in the same condition as it was when received. Users should ask library staff members for assistance in troubleshooting problems. Users must follow the library's Computer and Internet Policies.

If a device user fails to return a device, or returns a device with damage, they may be charged the replacement cost of the device. Loss of or damage to a device could also result in the suspension of future privileges.

Any files saved to a library technology device are deleted when the device restarts or shuts down. To save files, users must provide their own storage devices (such as a USB flash drive) or ask a library staff member if there is one available for short-term use. The library is not responsible for lost or corrupted files.

The library is not responsible for damage to any users' devices or equipment that users plug in to the library's technology devices. The library is not responsible for any computer viruses or malware that may transfer to or from users' storage devices. The library's laptops use anti-virus software, but that cannot guarantee protection against all viruses. It is the user's responsibility to protect their own online accounts and log out of them when they are finished using library technology devices.

### *Technology devices for children and youth*

Minors may check out technology devices that library staff designate as being designed specifically for children and youth. Minors do not need to be patrons in good standing to access these devices.

Limits on these devices will be determined by staff, based on demand at that time.

Any damages to these devices will not necessarily result in charges. Minors may not completely understand how to properly use and care for these devices. Any fees will be at the discretion of library staff.

## Meetings, Exhibits and Displays

### Meeting Rooms

- The Library will initiate programs, exhibits, book lists, etc., to stimulate the use of library materials for the enlightenment of people of all ages.
- The meeting rooms in the library may be used as meeting or exhibit rooms as long as the space is not required for regular library purposes. Local government and library related meetings will be given priority over those of other organizations. In the event a scheduled meeting must be cancelled for library purposes, at least 24 hour notice must be given.
- Reservations for the use of the rooms are to be made with the library staff.
- The rooms will be available to the public on an equitable basis, regardless of beliefs or affiliations of individuals or groups requesting its use, in accordance with Article VI of the Library Bill of Rights. See appendix.
- The rooms will be open to both private and public meetings. The rooms are not available for private individuals or commercial concerns, where money is collected.
- The meeting rooms are available during library open hours.
- The organizations using the rooms will be responsible for setup and cleanup of the room.
- The library may hold special author presentations or book signings. Books may be sold with the condition that the authors donate a copy of their new title to the library.
- Food and drinks are allowed in the large meeting room only and may not be carried to other parts of the building.

### Exhibits and Displays

- Exhibitors should speak to library staff to schedule exhibits or displays and arrange setup and take-down times.
- The library cannot be held responsible for loss or damage to items on display. A release must be signed at the time the exhibit or display is set up. (See Appendix)
- Publicity is the responsibility of the exhibitor.
- Exhibitors may place informational labels next to the items on display and post information about themselves or their organization.
- Artwork and other items may not be sold using library space. Price tags may not be placed next to exhibit or display items.

- Providing exhibit or display space does not imply library endorsement of the views or opinions of the individuals/groups using the space.

The Silver City Public Library will uphold the American Library Association's (ALA) Library Bill of Rights including the ALA's Rights and Interpretations on exhibit spaces and bulletin boards. See the appendix for the ALA's Library Bill of Rights and Interpretations.

## Bulletin Boards

- Bulletin boards are available for items of general public interest.
- One bulletin board is reserved for Friends of the Library.
- One bulletin board is available for community classifieds.
- Library staff must approve items before they are posted.
- Items may be posted for one month. Bulletin boards will be updated on a weekly basis.
- Space shall be allocated on a first-come, first-served basis. Local government notices will take priority.
- No posters or notices may be placed anywhere else in or on the library building without the permission of library staff.
- Providing bulletin board space does not imply library endorsement of the views or opinions of the individuals/groups using the space.

The Silver City Public Library will uphold the American Library Association's (ALA) Library Bill of Rights including the ALA's Rights and Interpretations on exhibit spaces and bulletin boards. See the appendix for the ALA's Library Bill of Rights and Interpretations.

## Physical Facilities

- To achieve the goal of good library service, the Board of Trustees accepts the responsibility to see that the public library building facilities will meet the physical requirements of modern, aggressive library service. Such facilities will offer to the community a compelling invitation to enter, read, listen and learn.
- The Board will acquire sites and/or new buildings only after a service program has been adopted and the library director has written an outline of the community's library building needs.
- The Board accepts the responsibility to secure the funds for needed facilities.
- The planning team, consisting of representatives from the Town of Silver City, the library staff, the Municipal Library Community Advisory Group, the Library Foundation and the Friends of the Library will endeavor to plan facilities to meet recognized standards and the needs of the community. If a quorum of any public body above is present at any meeting then such meetings will be subjected to the Open Meetings Act.

## Public Meetings Notice Policy

Whereas, the Municipal Library Community Advisory Group (Library Advisory Group) met in regular session at the Silver City Public Library (Public Library) on April 14, 2004, at 4:15 p.m. as required by law, and

Whereas, Section 10-15-1(B) of the Open Meetings Act (NMSA 1978, Sections 10-15-1 to 4) states that, except as may be otherwise provided in the Constitution or the provisions of the Open Meetings Act, all meetings of a quorum of members of any board, council, commission, administrative and judicatory body or other policymaking body of any state or local public agency held for the purpose of formulating public policy, discussing public business or for the purpose of taking any action within the authority or delegated authority of such body, are declared to be public meetings open to the public at all times; and

Whereas, any meetings subject to the Open Meetings Act at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs shall be held only after reasonable notice to the public; and

Whereas, Section 10-15-1(D) of the Open Meetings Act requires the Library Advisory Group to determine annually what constitutes reasonable notice of its public meetings;

Now, therefore, be it resolved by the Library Advisory Group that:

1. All meetings shall be held at the Public Library at 4:15 p.m. or as indicated in the meeting notice.
2. Unless otherwise specified, regular meetings shall be held each month on the second Wednesday. The agenda will be available at least twenty-four hours prior to the meeting from the Public Library, whose office is located in Silver City, New Mexico. Notice of any other regular meetings will be given ten (10) days in advance of the meeting date. The notice shall indicate how a copy of the agenda may be obtained.
3. Special meetings may be called by the Chairman or a majority of the members upon three (3) days notice. The notice shall include an agenda for the meeting or information on how members of the public may obtain a copy of the agenda. The agenda shall be available to the public at least twenty-four hours before any special meeting.
4. Emergency meetings will be called only under unforeseen circumstances that demand immediate action to protect the health, safety and property of citizens or to protect the public body from substantial financial loss. The Library Advisory Group will avoid emergency meetings whenever possible. Emergency meetings may be called by the Chairman or majority of the members upon twenty-four (24) hours notice, unless threat of personal injury or property damage requires less notice. The notice for all emergency meetings shall include an agenda for the meeting or information on how the public may obtain a copy of the agenda.
5. For the purposes of regular meetings described in paragraph 2 of this resolution, notice requirements are met if notice of the date, time, place, and agenda is placed in newspapers of general circulation in the county and posted in the following locations: the Public Library lobby. Copies of the written notice shall also be mailed to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of public meetings.

6. For the purposes of special meetings and emergency meetings described in paragraph 3 and 4 of this resolution, notice requirements are met if notice of the date, time, place and agenda is provided by fax or telephone to newspapers of general circulation in the county and posted in the lobby of the Public Library. Fax or telephone notice also shall be given to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of public meetings.
7. In addition to the information specified above, lobby notice shall include the following language:

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Library Director at the Public Library at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Library Director at the Public Library if a summary or other type of accessible format is needed.

8. The Library Advisory Group may close a meeting to the public only if the subject matter of such discussion or action is excepted from the open meeting requirement under Section 10-15-1(11) of the Open Meetings Act.

(a) If any meeting is closed during an open meeting, such closure shall be approved by a majority vote of a quorum of the Library Board of Trustees taken during the open meeting. The authority for the closed meeting and the subjects to be discussed shall be stated with reasonable specificity in the motion to close and the vote of each individual member on the motion to close shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in the closed meeting.

(b) If a closed meeting is conducted when the Library Advisory Group is not in an open meeting, the closed meeting shall not be held until public notice, appropriate under the circumstances, stating the specific provision of law authorizing the closed meeting and the subjects to be discussed with reasonable specificity, is given to the members and to the general public.

(c) Following completion of any closed meeting, the minutes of the open meeting that was closed, or the minutes of the next open meeting if the closed meeting was separately scheduled, shall state whether the matters discussed in the closed meeting were limited only to those specified in the motion or notice for closure.

(d) Except as provided in Section 10-15-1(11) of the Open Meetings Act, any action taken as a result of the discussions in a closed meeting shall be made by vote of the Library Advisory Group in open public meeting.

Public comments will be allowed at the end of each regular meeting. Comments will be limited to 10 minutes per subject and no more than 5 minutes per person.

Passed by the Municipal Library Community Advisory Group this day of April 14, 2004.

## **Policy/Procedures for Responding to Federal or State Law Enforcement Requests for Patron Information**

### **Purpose**

To establish guidelines and procedures for staff response to federal or state law enforcement requests for library records and/or patron information.

### **Policy**

The staff will respond to formal, legitimate requests by federal and state authorities for business records or tangible things made by federal authorities pursuant to the Foreign Intelligence Surveillance Act, 50 U.S.C. Sec. 1861 and Executive Order 12333 (46 FR 59941) by utilizing the procedures in Section 3.0 of this policy. The staff, in conformity with professional ethics, Patron confidentiality policy, First Amendment freedoms, and 18-9-1 NMSA 1978, "The Library Privacy Act," will not respond to informal requests for confidential information.

The Library Director is the legal custodian of the records of the Public Library, and is the employee authorized to receive court orders on behalf of the library.

The library also recognizes that according to the Foreign Intelligence Surveillance Act, Sec. 501 (a)(1), an order obtained under the Act cannot be issued for an investigation that is based solely on activities protected by the first amendment of the US Constitution. The library acknowledges that according to Part 2, Sec. 2.8 of the Executive Order 12333, nothing in the Executive Order shall be construed to authorize any activity in violation of the US Constitution or US statutes.

### **Procedures**

Staff should immediately ask for identification if they are approached by an agent/officer, and then immediately refer the agent/officer to the Library Director or his/her onsite designee.

The Director will immediately contact the City Attorney and the City Manager and meet with the agent with the City Attorney present.

If the agent/officer does not have a court order compelling the production of records, the Library Director will explain the library's confidentiality policy and the state's confidentiality law, and inform the agent/officer that users' records are not available except when a proper court order in good form has been presented to the library.

Without a court order, no law enforcement agent/officer has authority to compel cooperation with an investigation or require answers to questions, other than the name and address of the person speaking to the agent/officer. The staff member approached should give his/her name and address if asked.

If the agent/officer presents a court order, the Library Director should immediately make a photocopy of the order and refer the court order to the City Attorney for review.

If the court order is in the form of a subpoena, it is the responsibility of the City Attorney to examine the subpoena for any legal defect, including the manner in which it was served on the library, the breadth of its request, its form, or an insufficient showing of good cause made to a court. If a defect exists, counsel will advise on the best method to resist the subpoena.

1. The Library Director will review all information that may be required to be produced in response to the subpoena before releasing the information and will follow the subpoena strictly and will not provide information that is not specifically requested in it.
2. The Director will determine the costs and feasibility of compliance and present these costs together with any technical problems to the City Attorney.
3. If disclosure is required, the library may ask the court to enter a protective order keeping the information confidential and limiting its use to the particular case and the specific purpose for which it was requested. The Library Director may also ask that access to the information be restricted to those persons working directly on the case.

If the court order is in the form of a search warrant, which is the executable immediately and which may be served on any employee present where the records are, the agent/officer may begin a search of library records as soon as a person on the premises is served with the court's order. This order may include seizure of hard drives or other storage devices and/or paper records.

1. The employee shall ask the agent/officer if the warrant is issued under the Foreign Intelligence Surveillance Act (FISA). The warrant may not state on its face that it is a FISA warrant. If the agent/officer fails to affirmatively state that it is a FISA warrant, then the employee shall immediately document the question and the agent/officer's answer and provide a copy to the Library Director.
2. Whether the warrant is issued under FISA or not the employee shall notify his/her supervisor and the Library Director as soon as possible and shall ask to make a photocopy of the warrant.
3. The Library Director or responding onsite designee will request to have the City Attorney present before the search begins in order to allow the City Attorney an opportunity to examine the search warrant and to assure that the search conforms to the terms of the search warrant.
4. If the search order is presented to staff and the agent/officer will not allow time to reach the Library Director, staff will cooperate fully with the search. If the agent/officer requests assistance in identifying or securing the records, then the employee will cooperate fully. To the extent possible, ensure that only the records identified on the warrant are produced and that no other users' records are viewed or scanned.
5. The employee shall ensure that the agent/officer leaves a receipt.
6. The Library Director will review the search warrant with the City Attorney immediately following the visit to ensure that the library complies with any remaining requirements, including restrictions on sharing information with others.
7. Note: If the court order is a search warrant issued under the Foreign Intelligence Surveillance Act (FISA) (SUA Patriot Act amendment), the recommendations for a regular search still apply but with a gag order attached. This means that no person or institution served with the warrant can disclose that the warrant has been served or that records have been produced pursuant to the warrant. However, this gag order does not include an employee's supervisor, the Library Director, or legal counsel.

The Library Director will document fully all requests for information from federal or state law enforcement agents(s)/or officer(s) including date, time, names of staff and agent(s)/officer(s) involved (if available), type of document(s) presented, type of search requested, time spent in complying, all costs of complying with those requests, and a copy of all court orders. Requests under FISA will be documented in a separate file marked "Access Restricted by Federal Law" and will be kept in a controlled area accessible only to library personnel for library purposes, or by court order.

## **Library Director Responsibilities**

Serve as non-voting member of the Board of Trustees and as such be responsible for the administration of the Library under the general policies approved by the board of trustees. He/she is responsible to the City Manager.

Attend all meetings of the board with the right to speak on all subjects under discussion, but not the right to vote.

Be responsible to the Town for all property belonging to the Library, maintenance of all Library property and Library grounds and for the proper discharge of duties by all members of the Library staff.

Shall receive and transmit all communications between the employees and the Board of Trustees, and shall have the right of recommendation prior to consideration by the Board of Trustees.

Make transfers, assignments of duties and schedules of service and related problems.

Receive and act upon complaints from members of the public.

Be responsible for book selection and purchase.

Submit a monthly report of the Memorial funds.

Inform city management of Library Board vacancies.

## **Appendix**

### **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.

- I. 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.
- II. 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.
- III. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.
- IV. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.
- V. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.
- VI. Libraries that 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 19, 1939, by the ALA Council; amended October 14, 1944; June 18, 1948; February 2, 1961; June 27, 1967; January 23, 1980; inclusion of "age" reaffirmed January 23, 1996.

"Library Bill of Rights", American Library Association, June 30, 2006.

<http://www.ala.org/advocacy/intfreedom/librarybill> (Accessed October 23, 2018)

Document ID: 669fd6a3-8939-3e54-7577-996a0a3f8952

## **Libraries: An American Value**

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 from 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.

Adopted February 3, 1999, by the  
Council of the American Library Association

"Libraries: An American Value", American Library Association, June 30, 2006.  
<http://www.ala.org/advocacy/intfreedom/americanvalue> (Accessed October 23, 2018)  
Document ID: eed8e581-8dad-08f4-3146-a69f867579f3

## Code of Ethics of the American Library Association

As members of the American Library Association, we recognize the importance of codifying and making known to the profession and to the general public the ethical principles that guide the work of librarians, other professionals providing information services, library trustees and library staffs.

Ethical dilemmas occur when values are in conflict. The American Library Association Code of Ethics states the values to which we are committed, and embodies the ethical responsibilities of the profession in this changing information environment.

We significantly influence or control the selection, organization, preservation, and dissemination of information. In a political system grounded in an informed citizenry, we are members of a profession explicitly committed to intellectual freedom and the freedom of access to information. We have a special obligation to ensure the free flow of information and ideas to present and future generations.

The principles of this Code are expressed in broad statements to guide ethical decision making. These statements provide a framework; they cannot and do not dictate conduct to cover particular situations.

1. 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.
2. We uphold the principles of intellectual freedom and resist all efforts to censor library resources.
3. 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.
4. We respect intellectual property rights and advocate balance between the interests of information users and rights holders.
5. 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.
6. We do not advance private interests at the expense of library users, colleagues, or our employing institutions.
7. 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.
8. 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 potential members of the profession.

Adopted at the 1939 Midwinter Meeting by the ALA Council; amended June 30, 1981; June 28, 1995; and January 22, 2008.

"Professional Ethics", American Library Association, May 19, 2017.

<http://www.ala.org/tools/ethics> (Accessed October 23, 2018)

Document ID: 39f580a8-833d-5ad4-f900-53ecfe67eb1f

## The Freedom to Read Statement

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 or limit access to reading materials, to censor content in schools, to label "controversial" views, 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 counter threats to safety or national security, as well as to avoid the subversion of politics and the corruption of morals. We, as individuals devoted to reading and as librarians and publishers responsible for disseminating ideas, wish to assert the public interest in the preservation of the freedom to read.

Most attempts at suppression rest on a denial of the fundamental premise of democracy: that the ordinary individual, by exercising critical judgment, will select the good and reject the bad. We trust Americans to recognize propaganda and misinformation, and to make their own decisions about what they read and believe. 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.

These efforts at suppression are related to a larger pattern of pressures being brought against education, the press, art and images, films, broadcast media, and the Internet. 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 or unwelcome scrutiny by government officials.

Such pressure toward conformity is perhaps natural to a time of accelerated change. 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 controversy and difference.

Now as always in our history, reading is among our greatest freedoms. The freedom to read and write is almost the only means for making generally available ideas or manners of expression that can initially command only a small audience. The written word is the natural medium for the new idea and the untried voice from which come the original contributions to social growth. It is essential to the extended discussion that 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 toward 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 that are unorthodox, unpopular, or considered dangerous by 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 that 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 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 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 bar access to writings on the basis of the personal history or political affiliations of the author.*

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 that 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 expression 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 values differ, and values cannot be legislated; nor can machinery be devised that 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 the prejudgment of a label characterizing any expression or its 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 others. 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; and by the government whenever it seeks to reduce or deny public access to public information.*

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. Further, democratic societies are more safe, free, and creative when the free flow of public information is not restricted by governmental prerogative or self-censorship.

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 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 the freedom to read requires of all publishers and librarians the utmost of their faculties, and deserves of all Americans 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 the written word. We do so because we believe that it is 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.

Adopted June 25, 1953, by the ALA Council and the AAP Freedom to Read Committee; amended January 28, 1972; January 16, 1991; July 12, 2000; June 30, 2004.

*A Joint Statement by:*

American Library Association

Association of American Publishers

*Subsequently endorsed by:*

American Booksellers Foundation for Free Expression

The Association of American University Presses, Inc.

The Children's Book Council

Freedom to Read Foundation

National Association of College Stores

National Coalition Against Censorship

National Council of Teachers of English

The Thomas Jefferson Center for the Protection of Free Expression

"The Freedom to Read Statement", American Library Association, July 26, 2006.

<http://www.ala.org/advocacy/intfreedom/freedomreadstatement> (Accessed October 23, 2018)

Document ID: aaac95d4-2988-0024-6573-10a5ce6b21b2

## Freedom to View Statement

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 these principles are affirmed:

1. To provide the broadest access to film, video, and other audiovisual materials because they are a means for the communication of ideas. Liberty of circulation is essential to insure the constitutional guarantee of freedom of expression.
2. To protect the confidentiality of all individuals and institutions using film, video, and other audiovisual materials.
3. To provide film, video, 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.
4. To provide a diversity of viewpoints without the constraint of labeling or prejudging film, video, or other audiovisual materials on the basis of the moral, religious, or political beliefs of the producer or filmmaker or on the basis of controversial content.
5. To contest vigorously, by all lawful means, every encroachment upon the public's freedom to view.

This statement was originally drafted by the Freedom to View Committee of the American Film and Video Association (formerly the Educational Film Library Association) and was adopted by the AFVA Board of Directors in February 1979. This statement was updated and approved by the AFVA Board of Directors in 1989.

Endorsed January 10, 1990, by the ALA Council

"Freedom to View Statement", American Library Association, September 29, 2006.

<http://www.ala.org/rt/vrt/professionalresources/vrtresources/freedomtoview> (Accessed October 23, 2018)

Document ID: aa9f9ba1-ee3d-4844-7575-2b2245bb7c96

## **Access to Electronic Information, Services, and Networks**

### **An Interpretation of the LIBRARY BILL OF RIGHTS**

#### *Introduction*

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.<sup>1</sup> Libraries and librarians protect and promote 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.

Libraries empower users by providing access to the broadest range of information. Electronic resources, including information available via the Internet, allow libraries to fulfill this responsibility better than ever before.

Issues arising from digital generation, distribution, and retrieval of information 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 lack access or capability to use electronic information effectively.

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 information 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' access should not be restricted or denied for expressing or receiving constitutionally protected speech. If access is restricted or denied for behavioral or other reasons, users should be provided due process, including, but not limited to, formal notice and a means of appeal.

Information retrieved or utilized electronically is constitutionally protected unless determined otherwise by a court of law with appropriate jurisdiction. These rights extend to minors as well as adults (Free

Access to Libraries for Minors; Access to Resources and Services in the School Library Media Program; Access for Children and Young Adults to Nonprint Materials).<sup>2</sup>

Libraries should use technology to enhance, not deny, 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. Libraries should provide library users the training and assistance necessary to find, evaluate, and use information effectively.

Users have both the right of confidentiality and the right of privacy. The library should uphold these rights by policy, procedure, and practice in accordance with *Privacy: An Interpretation of the Library Bill of Rights*.

### *Equity of Access*

The Internet provides expanding opportunities for everyone to participate in the information society, but too many individuals face serious barriers to access. Libraries play a critical role in bridging information access gaps for these individuals. Libraries also ensure that the public can find content of interest and learn the necessary skills to use information successfully.

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 libraries that receive their major support from public funds (50.3 Free Access to Information; 53.1.14 Economic Barriers to Information Access; 60.1.1 Minority Concerns Policy Objectives; 61.1 Library Services for the Poor Policy Objectives). All libraries should develop policies concerning access to electronic information that are consistent with ALA's policy statements, including *Economic Barriers to Information Access: An Interpretation of the Library Bill of Rights, Guidelines for the Development and Implementation of Policies, Regulations and Procedures Affecting Access to Library Materials, Services and Facilities, and Resolution on Access to the Use of Libraries and Information by Individuals with Physical or Mental Impairment*.

### *Information Resources and Access*

Providing connections to global information, services, and networks is not the same as selecting and purchasing materials 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, 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. In order to preserve the cultural record and to prevent the loss of information, libraries may need to expand their selection or collection development policies to ensure preservation, in appropriate formats, of information obtained electronically. Libraries have an obligation to provide access to government information available in electronic format.

Libraries and librarians should not deny or limit access to electronic information because of its allegedly controversial content or because of the librarian's personal beliefs or fear of confrontation.

Furthermore, libraries and librarians should not deny access to electronic information solely on the grounds that it is perceived to lack value.

Publicly funded libraries have a legal obligation to provide access to constitutionally protected information. Federal, state, county, municipal, local, or library governing bodies sometimes require the use of Internet filters or other technological measures that block access to constitutionally protected information, contrary to the Library Bill of Rights (ALA Policy Manual, 53.1.17, Resolution on the Use of Filtering Software in Libraries). If a library uses a technological measure that blocks access to information, it should be set at the least restrictive level in order to minimize the blocking of constitutionally protected speech. Adults retain the right to access all constitutionally protected information and to ask for the technological measure to be disabled in a timely manner. Minors also retain the right to access constitutionally protected information and, at the minimum, have the right to ask the library or librarian to provide access to erroneously blocked information in a timely manner. Libraries and librarians have an obligation to inform users of these rights and to provide the means to exercise these rights.<sup>3</sup>

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 (Diversity in Collection Development).

<sup>1</sup>Martin v. Struthers, 319 U.S. 141 (1943); Lamont v. Postmaster General, 381 U.S. 301 (1965); Susan Nevelow Mart, The Right to Receive Information (PDF), 95 Law Library Journal 2 (2003).

<sup>2</sup>Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969); Board of Education, Island Trees Union Free School District No. 26 v. Pico, 457 U.S. 853, (1982); American Amusement Machine Association v. Teri Kendrick, 244 F.3d 954 (7th Cir. 2001); cert.denied, 534 U.S. 994 (2001)

<sup>3</sup>"If some libraries do not have the capacity to unblock specific Web sites or to disable the filter or if it is shown that an adult user's election to view constitutionally protected Internet material is burdened in some other substantial way, that would be the subject for an as-applied challenge, not the facial challenge made in this case." United States, et al. v. American Library Association (PDF), 539 U.S. 194 (2003) (Justice Kennedy, concurring).

See Also: Questions and Answers on Access to Electronic Information, Services and Networks: an Interpretation of the Library Bill of Rights.

Adopted January 24, 1996, by the ALA Council; amended January 19, 2005

## **Free Access to Libraries for Minors**

### **An Interpretation of the Library Bill of Rights**

Library policies and procedures that effectively deny minors equal and equitable access to all library resources available to other users violate the Library Bill of Rights. The American Library Association opposes all attempts to restrict access to library services, materials, and facilities based on the age of library users.

Article V of the *Library Bill of Rights* states, "A person's right to use a library should not be denied or abridged because of origin, age, background, or views." 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, literacy skills, or legal emancipation of users violates Article V.

Libraries are charged with the mission of developing resources to meet the diverse information needs and interests of the communities they serve. Services, materials, and facilities that fulfill the needs and interests of library users at different stages in their personal development are a necessary part of library resources. The needs and interests of each library user, and resources appropriate to meet those needs and interests, must be determined on an individual basis. Librarians cannot predict what resources will best fulfill the needs and interests of any individual user based on a single criterion such as chronological age, educational level, literacy skills, or legal emancipation.

Libraries should not limit the selection and development of library resources simply because minors will have access to them. Institutional self-censorship diminishes the credibility of the library in the community, and restricts access for all library users.

Children and young adults unquestionably possess First Amendment rights, including the right to receive information in the library. Constitutionally protected speech cannot be suppressed solely to protect children or young adults from ideas or images a legislative body believes to be unsuitable for them.<sup>1</sup> Librarians and library governing bodies should not resort to age restrictions in an effort to avoid actual or anticipated objections, because only a court of law can determine whether material is not constitutionally protected.

The mission, goals, and objectives of libraries cannot authorize librarians or library governing bodies to assume, abrogate, or overrule the rights and responsibilities of parents. As "Libraries: An American Value" states, "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." Librarians and governing bodies should maintain that parents—and only parents—have the right and the responsibility to restrict the access of their children—and only their children—to library resources. Parents who do not want their children to have access to certain library

services, materials, or facilities should so advise their children. Librarians and library governing bodies cannot assume the role of parents or the functions of parental authority in the private relationship between parent and child.

Lack of access to information can be harmful to minors. Librarians and library governing bodies have a public and professional obligation to ensure that all members of the community they serve have free, equal, and equitable access to the entire range of library resources regardless of content, approach, format, or amount of detail. This principle of library service applies equally to all users, minors as well as adults. Librarians and library governing bodies must uphold this principle in order to provide adequate and effective service to minors.

<sup>1</sup>See Erznoznik v. City of Jacksonville, 422 U.S. 205 (1975)-"Speech that is neither obscene as to youths nor subject to some other legitimate proscription cannot be suppressed solely to protect the young from ideas or images that a legislative body thinks unsuitable [422 U.S. 205, 214] for them. In most circumstances, the values protected by the First Amendment are no less applicable when government seeks to control the flow of information to minors. See Tinker v. Des Moines School Dist., *supra*. Cf. West Virginia Bd. of Ed. v. Barnette, 319 U.S. 624 (1943)."

Adopted June 30, 1972, by the ALA Council; amended July 1, 1981; July 3, 1991, June 30, 2004.

## **Restricted Access to Library Materials**

### **An Interpretation of the Library Bill of Rights**

Libraries are a traditional forum for the open exchange of information. Restricting access to library materials violates the basic tenets of the American Library Association's *Library Bill of Rights*.

Some libraries block access to certain materials by placing physical or virtual barriers between the user and those materials. For example, materials are sometimes labeled for content or placed in a "locked case," "adults only," "restricted shelf," or "high-demand" collection. Access to certain materials is sometimes restricted to protect them from theft or mutilation, or because of statutory authority or institutional mandate.

In some libraries, access is restricted based on computerized reading management programs that assign reading levels to books and/or users and limit choices to titles on the program's reading list. Titles not on the reading management list have been removed from the collection in some school libraries. Organizing collections by reading management program level, ability, grade, or age level is another example of restricted access. Even though the chronological age or grade level of users is not representative of their information needs or total reading abilities, users may feel inhibited from selecting resources located in areas that do not correspond to their assigned characteristics.

Physical restrictions and content filtering of library resources and services may generate psychological, service, or language skills barriers to access as well. Because restricted materials often deal with controversial, unusual, or sensitive subjects, having to ask a library worker for access to them may be embarrassing or inhibiting for patrons desiring access. Even when a title is listed in the catalog with a reference to its restricted status, a barrier is placed between the patron and the publication. (See also "Labeling and Rating Systems.") Because restricted materials often feature information that some people consider objectionable, potential library users may be predisposed to think of labeled and filtered resources as objectionable and be discouraged from asking for access to them.

Federal and some state statutes require libraries that accept specific types of federal and/or state funding to install content filters that limit access to Internet resources for minors and adults. Internet filters applied to Internet resources in some libraries may prevent users from finding targeted categories of information, much of which is constitutionally protected. The use of Internet filters must be addressed through library policies and procedures to ensure that users receive information and that filters do not prevent users from exercising their First Amendment rights. Users have the right to unfiltered access to constitutionally protected information. (See also "Access to Digital Information, Services, and Networks.")

Library policies that restrict access to resources for any reason must be carefully formulated and administered to ensure they do not violate established principles of intellectual freedom. This caution is reflected in ALA policies, such as “Evaluating Library Collections,” “Free Access to Libraries for Minors,” “Preservation Policy,” and the ACRL “Code of Ethics for Special Collections Librarians.”

Donated resources require special consideration. In keeping with the “Joint Statement on Access” of the American Library Association and Society of American Archivists, libraries should avoid accepting donor agreements or entering into contracts that impose permanent restrictions on special collections. As stated in the “Joint Statement on Access,” it is the responsibility of a library with such collections “to make available original research materials in its possession on equal terms of access.”

A primary goal of the library profession is to facilitate access to all points of view on current and historical issues. All proposals for restricted access should be carefully scrutinized to ensure that the purpose is not to suppress a viewpoint or to place a barrier between users and content. Libraries must maintain policies and procedures that serve the diverse needs of their users and protect the First Amendment right to receive information.

Adopted February 2, 1973, by the ALA Council; amended July 1, 1981; July 3, 1991; July 12, 2000; June 30, 2004; January 28, 2009; and July 1, 2014.

"Restricted Access to Library Materials", American Library Association, July 26, 2006.  
<http://www.ala.org/advocacy/intfreedom/librarybill/interpretations/restrictedaccess> (Accessed October 23, 2018)  
Document ID: 35107a8c-9cd3-b5d4-f50b-d3df234f01ea

## **Exhibit Spaces and Bulletin Boards**

### **An Interpretation of the *Library Bill of Rights***

Libraries often provide exhibit spaces and bulletin boards in physical and/or electronic formats. The uses made of these spaces should conform to the American Library Association's *Library Bill of Rights*: Article I states, "Materials should not be excluded because of the origin, background, or views of those contributing to their creation." Article II states, "Materials should not be proscribed or removed because of partisan or doctrinal disapproval." Article VI maintains that exhibit space should be made available "on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use."

In developing library exhibits, staff members should endeavor to present a broad spectrum of opinion and a variety of viewpoints. Libraries should not shrink from developing exhibits because of controversial content or because of the beliefs or affiliations of those whose work is represented. Just as libraries do not endorse the viewpoints of those whose work is represented in their collections, libraries also do not endorse the beliefs or viewpoints of topics that may be the subject of library exhibits.

Exhibit areas often are made available for use by community groups. Libraries should formulate a written policy for the use of these exhibit areas to assure that space is provided on an equitable basis to all groups that request it. Written policies for exhibit space use should be stated in inclusive rather than exclusive terms. For example, a policy that the library's exhibit space is open "to organizations engaged in educational, cultural, intellectual, or charitable activities" is an inclusive statement of the limited uses of the exhibit space. This defined limitation would permit religious groups to use the exhibit space because they engage in intellectual activities, but would exclude most commercial uses of the exhibit space.

A publicly supported library may designate use of exhibit space for strictly library-related activities, provided that this limitation is viewpoint neutral and clearly defined.

Libraries may include in this policy rules regarding the time, place, and manner of use of the exhibit space, so long as the rules are content neutral and are applied in the same manner to all groups wishing to use the space. A library may wish to limit access to exhibit space to groups within the community served by the library. This practice is acceptable provided that the same rules and regulations apply to everyone, and that exclusion is not made on the basis of the doctrinal, religious, or political beliefs of the potential users.

The library should not censor or remove an exhibit because some members of the community may disagree with its content. Those who object to the content of any exhibit held at the library should be able to submit their complaint and/or their own exhibit proposal to be judged according to the policies established by the library.

Libraries may wish to post a permanent notice near the exhibit area stating that the library does not advocate or endorse the viewpoints of exhibits or exhibitors.

Libraries that make bulletin boards available to public groups for posting notices of public interest should develop criteria for the use of these spaces based on the same considerations as those outlined above. Libraries may wish to develop criteria regarding the size of material to be displayed, the length of time materials may remain on the bulletin board, the frequency with which material may be posted for the same group, and the geographic area from which notices will be accepted.

Adopted July 2, 1991, by the ALA Council; amended June 30, 2004, and July 1, 2014.

"Exhibit Spaces and Bulletin Boards", American Library Association, July 26, 2006.  
<http://www.ala.org/advocacy/intfreedom/librarybill/interpretations/exhibitspaces> (Accessed October 23, 2018)

## Confidentiality of Records

The Public Library adopts Article 9 Sec. 18-9-1 through Sec. 18-9-6 of the New Mexico Statutes pertaining to Library Privacy.

### Article 9

#### Library Privacy

##### 18-9-1. Short title.

This act [[18-9-1](#) to [18-9-6](#) NMSA 1978] may be cited as the "Library Privacy Act".

**History:** Laws 1989, ch. 151, § 1.

##### 18-9-2. Purpose.

The purpose of the Library Privacy Act [[18-9-1](#) NMSA 1978] is to preserve the intellectual freedom guaranteed by Sections 4 and 17 of [Article 2](#) of the constitution of New Mexico by providing privacy for users of the public libraries of the state with respect to the library materials that they wish to use.

**History:** Laws 1989, ch. 151, § 2.

##### 18-9-3. Definitions.

As used in the Library Privacy Act [[18-9-1](#) NMSA 1978]:

A. "library" includes any library receiving public funds, any library that is a state agency and any library established by the state, an instrumentality of the state, a local government, district or authority, whether or not that library is regularly open to the public; and

B. "patron record" means any document, record or other method of storing information retained by a library that identifies, or when combined with other available information identifies, a person as a patron of the library or that indicates use or request of materials from the library. "Patron record" includes patron registration information and circulation information that identifies specific patrons.

**History:** Laws 1989, ch. 151, § 3.

##### 18-9-4. Release of patron records prohibited.

Patron records shall not be disclosed or released to any person not a member of the library staff in the performance of his duties, except upon written consent of the person identified in the record, or except upon court order issued to the library. The library shall have the right to be represented by counsel at any hearing on disclosure or release of its patron records.

**History:** Laws 1989, ch. 151, § 4.

##### 18-9-5. Exceptions.

The prohibition on the release or disclosure of patron records in Section 4 [[18-9-4](#) NMSA 1978] of the Library Privacy Act shall not apply to overdue notices or to the release or disclosure by school libraries to the legal guardian of the patron records of unemancipated minors or legally incapacitated persons.

**History:** Laws 1989, ch. 151, § 5.

#### **18-9-6. Violations; civil liability.**

Any person who violates Section 4 [[18-9-4](#) NMSA 1978] of the Library Privacy Act shall be subject to civil liability to the person identified in the released records for damages and costs of the action as determined by the court.

**History:** Laws 1989, ch. 151, § 6.

### Request for Reconsideration of Library Materials

Title \_\_\_\_\_

Select one: Book      Periodical      Other \_\_\_\_\_

Author: \_\_\_\_\_

Publisher: \_\_\_\_\_

Requests initiated by \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Telephone \_\_\_\_\_

Do you represent:

Yourself

An organization (name) \_\_\_\_\_

Other group (name) \_\_\_\_\_

To what in the work do you object/ (Please be specific, cite pages.)

\_\_\_\_\_

Did you read the entire work? \_\_\_\_\_ What parts? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

What do you feel might be the result of reading this work? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

For what age group would you recommend this work? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

What do you believe is the theme of this work? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Are you aware of judgment of this work by literary critics? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What would you like the library to do about this work?

Do not lend it to my child.

Return it to the staff selection committee/department for reevaluation.

Other, explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In its place, what work would you recommend that would convey as valuable a picture and perspective of the subject treated? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name (print): \_\_\_\_\_

Signature: \_\_\_\_\_

Library Card Number: \_\_\_\_\_

Date: \_\_\_\_\_

### Notice of Suspension of Library Privileges

Date: \_\_\_\_\_

Dear \_\_\_\_\_

It is with great regret that we advise you that since you have abused your library privileges, the Silver City Public Library is suspending your library privileges for \_\_\_\_\_.

You will not be allowed to check out books, use the library's Internet or reference services during this time.

The effective date for this suspension is \_\_\_\_\_. At the end of this time, if the library staff feels that you are able to have respect for the library property and rules, your privileges will be restored.

Thank you,

Name:

Title:

Cc: City Manager

Library Board of Trustees

## Waiver of damages for exhibits

515 W. College Avenue

Silver City, NM 88061

575-538-3672

[silvercitypubliclibrary.org](http://silvercitypubliclibrary.org)

---

I will not hold the Public Library responsible for loss or damage to my exhibit while on display at the library.

---

Print Name

---

Signature

Date