



# HOMER PUBLIC LIBRARY

## Policies and Procedures

April 2025

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## Purpose and Introduction

### PURPOSE

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This document fulfills the following purposes:

- To define the purpose and mission of the Homer Public Library
- To define the responsibilities of staff towards patrons and the broader community
- To define the responsibilities of patrons towards one another
- To define the responsibilities of all parties towards the collections, equipment and physical facilities of the library.

### INTRODUCTION

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The library is, first and foremost, a public facility for use by all members of the community. As a public space, citizens have certain rights that might not be accorded to them in a private business or home. Conversely, standards of behavior in a public setting differ from what might be appropriate behind closed doors.

In determining what is and is not appropriate for the library setting, staff follow the golden rule: treat others as you would wish to be treated. The library serves a wide array of demographic groups with differing cultural and social expectations. Behavior is generally tolerated in the library provided that it does not violate the law, threaten or inconvenience others, damage the facility, or pose a risk to public safety (including the safety of the individual). That said, no written policy can cover every eventuality, and library staff have the authority to exercise judgment in resolving conflicts.

Finally, the library is also a community-owned facility, and its resources are public property. Staff purchase materials and equipment to serve the community at large, not merely one demographic or interest group. All library users are expected to treat the library's infrastructure with respect. Staff make and enforce rules to protect the library's property from loss or damage, or to recoup the costs of repairs and/or replacement.



## **MISSION STATEMENT**

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The mission statement of the library guides all the policies and procedures that follow:

The Homer Public Library serves the diverse needs of our community members by providing access to information, promoting literacy, and facilitating lifelong learning. We foster education, personal well-being, cultural creativity, community engagement, and economic development. Our resources are offered without charge to people of all ages and abilities within our service area.

## **SERVICE AREA**

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The library's service area contains the City of Homer and the surrounding borough communities, including Anchor Point, Diamond Ridge, Fritz Creek, Kachemak Bay, Kachemak City, Kachemak Selo, Nanwalek, Nikolaevsk, Ninilchik, Port Graham, Razdolna, Seldovia and Voznesenka.

## **Staff Authority and Responsibilities**

Library staff offer a specific range of services to the public. Staff responsibilities are defined by law and guided by the Code of Ethics of the American Library Association. Staff are also professionals, trusted to make decisions regarding the safe, competent and efficient operation of the institution. Staff are expected to serve the public without prejudice or partisanship, with courtesy towards all, and expect courtesy and respect from patrons in return.

Authority to enforce library policies (or make exceptions to those policies) rests with the library director or, in the director's absence, with the deputy library director. Under specific circumstances enumerated below, patrons may appeal the director's decision to the Library Advisory Board or the city manager.

## **Access to Collections and Services**

The library strives to serve all patrons. Various accommodations are available for patrons who have difficulty accessing regular library services. The City's Americans with Disabilities Act (ADA) Advisory Board leads efforts to improve accessibility citywide. More information is available on the City website and through the city clerk's office.

### **HOMEBOUND OR LONG-DISTANCE PATRONS**

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The library website offers access to a variety of materials, including electronic books, newspapers, magazines, audiobooks and videos. There is also a limited homebound-delivery program in partnership with certain assisted-living facilities and schools; patrons interested in this program should contact the library director for details. Patrons who can reach the library building but do not wish to come inside can call the front desk at 907-235-3180 and have materials delivered to the curbside pickup station at the rear of the building.

Reference services are available on the library's website as well as through phone and email.

### **PATRONS WITH MOBILITY, VISION OR HEARING IMPAIRMENTS**

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The library building is wheelchair-friendly, and a wheelchair is available near the front entrance for patrons who wish to use it on the premises. Within the building, the library includes a large-print collection, magnifying equipment and audiobooks in a variety of formats. A videophone is available. All library Zoom programs are automatically closed-captioned and many—though not all—videos on DVD and the Kanopy streaming service also include captions.

### **PATRONS WHO REQUIRE ASSISTANCE WITH FOOD, HOUSING, JOB SEARCHING OR EDUCATION**

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Library staff routinely help patrons with searching for work, connecting to educational programs or taking tests. Study rooms may be used for completing online coursework or job interviews.

The library does not offer facilities for sleeping, eating or bathing. However, staff can provide referrals to other organizations that do. A public telephone is available near the front entrance and a list of community-service providers is posted in the restrooms. Staff can also answer reference inquiries.

## **MINORS**

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Responsibility for reading choices and information access by children rests with their parents and legal guardians, not the library. Parents or guardians are responsible for overseeing their child's choice of library resources, including both physical and online resources.

## **SERVICES PROVIDED BY OTHER ORGANIZATIONS**

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Library staff cannot provide medical, legal, financial, counseling or social work services. Staff will be happy to refer patrons who need such services to other organizations.

## Collection Development

### COLLECTION EVALUATION AND COLLECTION GOALS

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The Homer Public Library strives to maintain a diverse collection to fulfill the many needs and interests of the Homer community. Reports are periodically run from the library's circulation and cataloging software, which provide information about the percentage of holdings in a particular subject area compared to the percentage of circulation from that area. These reports, analyzed by the collection development librarians, assist in determining how best to divide the acquisitions budget among the subject areas of the collection. A balance is sought between adding new materials to the most popular sections and strengthening sections containing old and outdated materials.

A top priority of the Homer Public Library is to systematically upgrade the average age of the collection, particularly nonfiction.

In addition, the Homer Public Library collection will be assessed according to the following criteria:

- Comparison to standard lists.
- Proportion of subject area in circulation at any given time.
- Age of publication.
- Representation of diverse viewpoints.
- Completeness of sets or series.
- Number of interlibrary loan requests.
- Number of reserves placed.
- Patron requests.

### INTELLECTUAL FREEDOM

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The library does not promote particular beliefs or views, nor does the selection of any item imply endorsement of its views. One of the essential purposes of the public library is to be a resource where individuals can examine many points of view and come to their own conclusions. The library attempts to provide materials representing different sides of controversial issues.

Access to library materials is not restricted beyond what is required to protect materials from theft or damage. Items are not labeled to indicate point of view or bias. The library assures free access to its holdings for all patrons, who are free to select or reject for themselves any item in the collection. Individual or group prejudice about a particular item or type of material in the collection may not preclude its use by others.

Responsibility for the reading choices and information access by children rests with their parents and legal guardians, not the library. Parents who wish to limit or restrict the reading of their own child should personally oversee that child's choice of library resources. Selection of library materials will not be inhibited by the possibility that items may be seen by children. The library encourages parents to be involved with their children's reading and library use and will work with parents to find materials they deem appropriate for their children.

## **COOPERATION**

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Cooperation is a basic tenet of library philosophy in Alaska and the United States. The Homer Public Library recognizes its responsibility to cooperate with other libraries in Homer, the Kenai Peninsula, Alaska, and nationwide.

The library on the Kachemak Bay Campus (KBC) of Kenai Peninsula College supports its institution's educational objectives with a collection emphasizing the humanities, applied science, art, office technology, marine sciences, and business management. While open to the public, non-students may only use KBC materials on-site.

Libraries in the public schools focus on educational and curriculum support. Responsibility for the provision of curriculum-related materials belongs properly to the schools, but the public library provides materials that complement local school library collections and enrich the needs of student borrowers of all ages.

Homer Public Library cooperates with the Pratt Museum in collecting material relating to Homer's history and culture. The Pratt Museum has a non-lending library which consists of museological, cultural history and natural history periodicals, books, and a vertical file of scholarly papers and pertinent subject information. The museum also houses an archive of various periodicals and local documents, a photo archive documenting local history, and a media collection of films,

audiocassettes and videotapes. Many of the Pratt's collections are available upon specific request to the Collections Manager.

As a member of Online Computer Library Center (OCLC), a worldwide bibliographic database cooperative, the library is able to provide interlibrary loan service for patrons with needs outside the scope of the Homer Public Library's collection. The OCLC database offers access to other libraries' resources throughout the state, the nation and the world. The Homer Public Library uses interlibrary loan both to supplement its resources and to lend materials to other libraries.

### **SELECTION RESPONSIBILITY**

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Selection of library materials, whether purchased or donated, is based upon the informational, educational, and recreational needs of the community. It is limited by factors such as materials budgets, space, and the content of existing collections.

The library director has the final responsibility for the maintenance and development of the collection of the Homer Public Library, operating within the framework of policies approved by the Library Advisory Board and adopted by the Homer City Council. Because the library director must be able to answer to the Advisory Board and the general public for actual selections made, the authority to reject or select any item rests with that position. Staff members assist the library director in the selection of materials.

The library encourages suggestions for purchase from patrons and staff. Interlibrary loan requests and questions from the public are considered for possible purchase suggestions. All purchase requests are reviewed to determine whether they fall within selection criteria.

### **SELECTION CRITERIA**

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Selection of materials is based on the professional judgment of the library staff, which is guided by the needs of the community and the balance and comprehensiveness of the collection. Selection is aided by reviews and other professional tools such as standard catalogs and bibliographies. Selection tools include, but are not limited to:

- Reviews in professional library journals or periodicals such as *Booklist*, *Library Journal*, *Publishers Weekly*, *Wilson's Core Collections*, *The Horn Book*, *Kirkus Reviews* and other professional publications.
- Internet resources for evaluation and selection such as the website of the American Library Association, Amazon.com, Common Sense Media, and professional media review sites.
- Individual subject expertise of staff or community members.
- Publisher catalogs.
- Standard bibliographies.

No single standard can be applied in all acquisition decisions. Some materials must be judged primarily on their artistic merits, some on their scholarship, and some on their value as human documents. Still others are intended to satisfy recreational and entertainment needs. Each will be considered in terms of the audience for whom it is intended. Materials are judged on the basis of the work as a whole, not on a part taken out of context.

Selection criteria considered in the evaluation and the re-evaluation of materials are:

- Cultural, recreational, informational and/or educational value.
- Local interest and potential use by library patrons.
- Usefulness in relation to other materials in the collection.
- Appearance of the item in standard bibliographies and review journals.
- Permanent significance.
- Accuracy, effectiveness, and timeliness of presentation.
- Artistic excellence.
- Qualifications and/or significance of the author.
- Suitability of physical form for library use.
- Availability of material in other library collections.
- Price.
- Library space.

Two categories excluded from the collection as clearly not within the selection criteria are 1) forms of expression that are unprotected by the First Amendment; and 2) explicit and direct instructions for the manufacture of contraband materials.



## **MATERIAL FORMAT**

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The library offers materials in a variety of formats to meet its goals and objectives. Materials may include books, CDs, electronic resources, microforms, newspapers and magazines, pamphlets, videos, and others. The library will not adopt new formats before they have demonstrated reliability and usefulness.

## **COLLECTION OVERVIEW**

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The library collection consists of books, audiobooks, magazines, newspapers, maps, videos, music and audio recordings and a variety of electronic resources.

In general, collection priority is given to:

- Currency. Collection emphasis is on up-to-date information.
- General treatments over those that are specialized, scholarly, or primarily for professional use.
- Works of broad popular appeal that meet the needs of the independent learner over textbooks or other materials that meet curriculum requirements of the formal student. Textbooks are generally not added to the collection unless little or no other material covers the topic. The library does not buy textbooks used by the local schools. School libraries are responsible for providing copies of course materials for their students.
- Unabridged editions over abridgments. Abridged editions will be considered only if they retain the flavor and quality of the original.

## **Access to the internet**

The library maintains a collection of online resources, which may be accessed through personal devices and through computers owned by the library. See the section on computers, wi-fi and internet use for the library's policies governing access to such resources.

## **Adult fiction**

In addition to well-known classics, the adult fiction collection provides a wide variety of popular reading materials of current and high interest to the public. Staff actively consider patron recommendations.

### **Adult nonfiction**

The nonfiction collection includes materials that are of current interest and demand within the community. It represents a diverse collection in order to make the broadest array of topics and opinions available to patrons but is heavily oriented toward the interests and needs of the Homer community. Special emphasis goes to selecting titles dealing with health, boats and marine technology, construction, the arts, sustainability, self-sufficiency and travel.

The library collects basic books of faith as well as authoritative books on comparative religions but will not collect or accept doctrinal or instructional material in any field of religion. The library purchases materials of general historical importance rather than denominational content.

### **Alaska and local history materials**

The Alaskana collection includes materials about Alaska and neighboring regions. The collection priorities of the Alaskana collection include:

- As complete coverage as possible of the immediate Homer area.
- Broad coverage of southcentral Alaska.
- Selected coverage of the rest of Alaska based on expected demand and popular appeal.

Some reference or rare materials will not be available for loan. The university libraries and the Alaska State Library maintain comprehensive Alaskana collections; many of these items are available to Homer Public Library patrons through interlibrary loan.

### **Audio**

Recorded books in physical formats such as CDs and digital devices are available in the adult and juvenile sections of the library. The collections include popular fiction, classic titles, and nonfiction in unabridged and abridged editions. Music is available in the music collection and in the children's library, both in CD and vinyl format. Audiobooks and music are also available in downloadable electronic formats.

### **Children's books, including easy readers, children's and young adult materials**

In selecting books for children, the library's goals are to develop a collection that satisfies children's informational, recreational, and cultural reading needs; to promote literacy; and to encourage a lifelong love of reading. The children's collections include:

- Picture books, beginning readers, and graphic novels.
- Juvenile nonfiction which informs children about their world. Authoritative, up-to-date and attractive materials in a variety of reading levels are sought.
- Juvenile fiction for elementary and middle school students.
- Young Adult fiction and nonfiction that appeal to teenagers and may deal with more adult issues than children's fiction. Books are selected to meet the informational, recreational and emotional concerns of youth in this age group, help them grow in understanding themselves and others, broaden their viewpoints, expand their reading ability and enjoyment, or simply for their reading pleasure.

### **Duplicate titles**

Duplicate titles are purchased if long-term heavy demand is anticipated, but in general, multiple copies are not purchased due to fiscal limitations. Where the public interest is in the subject more than in a particular title, the library will purchase more copies of different titles instead of buying numerous copies of one title. This approach offers library users a collection with greater variety and depth.

### **Electronic materials**

The library offers access to a range of online materials. Formats and availability change frequently, but staff aim to serve a wide variety of patron needs, including ebooks, e-audiobooks, digital magazines, and audio and video files.

### **Electronic databases**

In addition to the general internet, the library may subscribe to specific databases of interest and usefulness to the community.

### **Foreign-language materials**

The library maintains a small collection of foreign-language materials. The majority of these materials are in Russian. Subjects collected include Old Believer history and culture, Russian literature classics, folktales, craft books, materials for children, and translations of English-language novels.

### **Large Print and materials for the visually handicapped and the hearing-impaired**

Large print materials purchased by the library are available for checkout and located in the Large Print section of the library. The library can also obtain materials from the Alaska State Library Talking Book Center. The Alaska State Library also offers services directly to individuals unable to read standard print material. Inquire at the front desk for information about applying for these services.

### **Periodicals and Newspapers**

Periodical selection is based on the needs and tastes of the eclectic population in the Homer area. The library subscribes to local Homer periodicals and houses back issues in two formats: paper and microfilm. National- or state-level periodicals are purchased where local interest exists.

### **Rare and Expensive Books**

The library maintains a small number of rare books that focus on Alaska and local history, but developing this collection is not a high priority for the library. In general, donations of rare or expensive books that lack a direct connection to the Homer area will be passed along to the Friends of the Homer Public Library for sale.

### **Reference materials**

One of the library's primary collection development objectives is to provide accurate and useful information. To accomplish this objective, the library provides access to current and authoritative materials in a variety of formats. Resources include a selection of encyclopedias, atlases, almanacs, bibliographies, and dictionaries in paper and/or electronic formats, as well as electronic databases. Local and regional directories and information are maintained. Authority, organization, and currency of information are among the selection criteria, as well as whether the information is better obtained in another format, on the internet, or in databases.

### **Self-Published materials**

In most cases, the library does not purchase self-published materials that are not reviewed in established review journals. Exceptions may be made for materials of local interest that meet the general selection criteria. Additional considerations include quality of editing and binding suitable for public use.

## Video

The library collects videos that appeal to a wide range of patrons. Videos are selected from reviews, prior viewing, or the reputation of the makers and distributors. The library may also subscribe to streaming video services that curate their own offerings.

## Other Collections

The library maintains a collection of board games, puzzles, video games and other forms of entertainment. The collection changes frequently and patrons should consult the library catalog to see the current holdings. **See the List of Equipment page for more information on specialized items such as projectors or tools.**

## ACQUISITIONS

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The library staff receives numerous catalogs, advertisements, and announcements from publishers, professional reviewing journals, and library vendors. Staff uses these materials, as well as patron requests and staff suggestions, as the beginning of the selection process. Reviews of each item are evaluated before deciding upon purchase. Staff members who are responsible for materials selection collaborate both informally and in periodic collection development meetings to discuss the merits of adding specific titles to the collections, as well as the strengths and weaknesses of the collection in general.

New materials are ordered through book and media vendors, publishers, and the local independent bookstore in Homer. The library purchases out-of-print materials from companies who specialize in locating hard-to-find books. The majority of the library's periodicals are managed by a periodical subscription service.

## COLLECTION MAINTENANCE

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Books are mended if, as a whole, they are in good shape and the mending will result in prolonged life of the books for additional circulations. Cumulative damage such as a large number of dirty or torn pages may result in withdrawal or replacement instead of mending.

Most repairs are completed on-site, but select books of long-term value to the collection are sent to a professional bindery when their bindings become worn-out or damaged and are not easily mended. These titles are usually popular, of local interest, and not available in hardcover bindings.

The purpose of a withdrawal policy is to ensure that the collection remains up-to-date and useful. The criteria used for selecting materials are also used to remove items from the collection. Materials that are no longer useful in light of stated objectives are systematically withdrawn from the collection.

Prime candidates for deselection are:

- Items which contain outdated or inaccurate information, unless of historical value.
- Superseded editions.
- Worn out or damaged items.
- Seldom-used materials.

Withdrawn materials are added to the Friends of the Homer Public Library's book sale. Proceeds from the sale will be used to purchase needed items for the library. Occasionally, discarded items are offered to other libraries, schools, or nonprofit groups. Items not distributed or sold are discarded.

## **COPYRIGHT**

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The Homer Public Library makes every attempt to abide by the copyright law of the United States (Title 17, U.S. Code). Patrons who use library materials are responsible for complying with current laws.

## Community Partnerships

Homer Public Library recognizes that partnering with a wide variety of community organizations offers benefits to both parties. Many demographic groups pass through the library to take advantage of its information resources and event space. Outside organizations deliver valuable social services and community connections beyond the scope of city personnel.

The list below summarizes what the library can and cannot provide to outside organizations, but all arrangements with such organizations are still subject to approval by the library director, and exceptions may be made on a case-by-case basis. Programs run by library staff or the Friends of the Library are exempt from these restrictions.

The library will:

- Distribute information, including flyers and posters
- Allow use of the meeting room, subject to the same rules that apply to all users of the room

The library will not:

- Promote or endorse particular causes
- Serve as a collection point for donations
- Serve as a distribution point for physical goods
- Allow solicitation of funds or in-kind donations
- Provide advertising other than the bulletin board or the handouts station (i.e. no lawn signs or distribution of flyers inside the building)
- Provide staff time, services or equipment. Organizations are responsible for their own staffing and logistics
- Permit any use which violates the law or contravenes other library policies

## Complaints

The library strives to provide the best services and collections possible, but complaints will inevitably arise. The process for handling complaints varies depending on the nature of the complaint.

### COMPLAINTS REGARDING LIBRARY PROGRAMS OR MATERIALS

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The library recognizes that within the Homer area there are groups and individuals with widely separate and diverse interests, backgrounds, cultural heritage, social values, and needs, and that some patrons may find some of the library's materials and/or programs offensive.

Library decisions are guided by an array of professional documents, including the Library Bill of Rights and the Code of Ethics. Selection of materials is not made on the basis of anticipated approval or disapproval of their contents and no library material is sequestered except to protect it from damage or theft. Concurrently, library programs are designed to serve a wide array of patron interests and a given program is neither included nor excluded on the grounds of controversial content. Upcoming events are advertised through routine channels and patrons are responsible for keeping up with their interests. **See the sections on Collection Development, Programs and the Appendices for further details.**

Individuals may request that the library reconsider materials or programs, following the process below. Questioned materials will not be removed or restricted at any point in this process until a final decision has been rendered, except as needed for review by library staff or the Library Advisory Board. Programs currently scheduled, including series, will go ahead as planned and will not be cancelled or delayed while the reconsideration process is underway; the outcome of the reconsideration process applies only to programs or series that are not yet scheduled.

The outcome of the process is considered final when the individual chooses not to appeal or when all appeals have been exhausted.

#### 1. Oral Complaint to the Library Director

Any individual who has concerns about materials or programs may bring those concerns to the library director. The director will listen to the concerns, explain the policies on collection development and/or programs and determine what action, if any, to take. The director will also provide the patron with a written copy of the policies, if requested.



## **2. Written Complaint to the Library Director**

A patron who resides within the library's service area may initiate a written request for reconsideration if the oral discussion does not resolve the issue. A complaint about a program must be filed no more than five working days after the scheduled date of the event.

1. The patron must submit a Request for Reconsideration form to the library director. A separate form must be completed for each individual work or program subject to complaint. Incomplete forms will not be considered.
2. Upon receiving the completed form, the library director shall:
  - a. Read, view or listen to the material in its entirety, or review available information about the program. If the work is currently checked out, this step will be suspended until the work is returned.
  - b. Consult reviews and recommended reading lists to assess the general opinion of the work in question. The director may choose to consult with other library staff.
  - c. Evaluate the work for its strengths and value as a whole and not in part, and apply all appropriate selection criteria.
3. Having thoroughly considered the complaint, the director may:
  - a. Retain the challenged work (or keep the program in mind for future scheduling),
  - b. Move the work to another location (or make changes to the program's format, audience, timing, etc. for future scheduling)
  - c. Remove the work from the collection (or remove the program from consideration for future scheduling).
4. In all cases, the director shall:
  - a. Provide a written response to the patron within 30 days, including a full explanation of the decision and information concerning the process to appeal. If more time is needed for reviewing materials, the written response shall notify the patron of that fact.
  - b. Advise the Library Advisory Board of the decision, either through a formal memo or as part of the monthly Director's Report at its next scheduled meeting.

## **3. Appeal to Library Advisory Board (LAB)**

1. If the patron disagrees with the library director's decision, the patron may appeal to the Library Advisory Board by notifying the City Clerk's Office. The patron must provide a written

statement giving the basis for disagreeing with the library director's decision. The City Clerk's Office will include the statement, the director's written response, and the Request for Reconsideration form(s) in the packet for the next scheduled LAB meeting.

2. The LAB will review the packet materials and hear testimony from the patron and all interested members of the public. Testimony may be presented at the meeting or in writing.
3. The LAB shall entertain a motion on whether to consider the matter further.
4. If the LAB does not vote to proceed, the matter is closed. The LAB Chair will provide the patron with written notice of the outcome within 30 days.
5. If the LAB votes to proceed, the LAB shall schedule a public hearing at a special or regular meeting to address the request for reconsideration. The date for this meeting is at the LAB's discretion, but should allow sufficient time for members to review the work(s) or program(s) in full.
6. Prior to the meeting, all members of the LAB will read, view or listen to the work(s) in full. Where the complaint concerns programming, LAB members will review the same information available to the library director regarding the program(s).
7. At the meeting, the LAB will again accept public testimony and then vote on whether to uphold or overturn the library director's decision. Where multiple works or programs are at issue, a separate motion is required for every individual work or program. For materials complaints, members may vote on any work which the member has read, viewed or listened to in full, but must abstain from voting on works which the member has not read, viewed or listened to in full.
8. Once the LAB has voted, the LAB Chair will provide the patron with written notice of the outcome within 30 days.
9. **Any decision made by the LAB—whether to uphold or overturn the library director's decision—shall remain in effect for three full years from the date of the final LAB vote. No further appeals will be heard. No other reconsideration of this material or program will be addressed during that time period unless the grounds for complaint are substantially different from the previous reconsideration.**
10. At the expiration of the three-year period, all actions regarding the work(s) or program(s) become available:
  - a. A patron may initiate a new request for reconsideration

- b. The library director may place the work(s) back in the collection (if previously removed)
- c. The library director may place the work(s) in a new location, including the original location (if previously shifted to a different part of the collection)
- d. The library director may schedule the program(s) for future dates (if previously declined)
- e. The director shall notify the LAB in writing after taking any of the actions listed above.

## **COMPLAINTS REGARDING LIBRARY FACILITIES**

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### **1. Oral Complaint to the Library Director**

Any individual who has concerns about library facilities should reach out to the library director. The director will endeavor to address the complaint where readily practical.

### **2. Written Complaint to the Library Director**

When the complaint is of a nature that cannot easily be resolved, the patron may fill out a written complaint form and submit it to the director. The director will attach a written explanation of what action the library has already taken, then forward the form to the relevant City office for action. Where a complaint may fall within the scope of a board or commission, the director will forward the form to the staff liaison for that entity.

## **COMPLAINTS REGARDING PERSONNEL**

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Personnel actions are guided by the policies of the library and the City of Homer. Individuals should contact the library director with complaints regarding library staff or volunteers. The director will assess the situation and hear both sides of the issue before taking any action. Some cases may also require involvement by the city manager and/or the director of Human Resources.

## Computers, Wi-fi and Internet Use

To fulfill the mission of providing public access to information resources and opportunities for lifelong learning, the Homer Public Library offers free access to the internet and other computer resources. The following policy discusses the library's rules and regulations regarding internet use in the library and compliance with federal law.

### STATEMENT OF RESPONSIBILITY

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The Homer Public Library does not control the accuracy, authoritativeness, or suitability of information on the internet and is not responsible for its content. The library does not endorse any products, sites, or material on the internet. Patrons' use of the internet is at their own risk. In no event will the Homer Public Library be held liable for any claims arising, or resulting, from the use of the internet or any of the library's computer resources.

Library staff follow generally accepted library practices to choose links to the library's home page. The library is not responsible for changes in content of the sources to which it is linked, or for the content of sources accessed through secondary links. The library is not responsible for any online breakdowns by the internet provider(s), or for any malware downloaded by any user.

The library reserves the right to take appropriate action to ensure compliance with this policy.

### ACCESS

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The Homer Public Library affirms the right of every individual to have access to constitutionally protected material. Internet and computer resources, like all other library information, are provided equally to all library users free of charge.

The library also affirms the right and responsibility of parents to determine and monitor their own children's use of all library materials and resources.

The Homer Public Library is guided by the following statements from the American Library Association on access to information, all of which are included in the appendices to this document:

- The Library Bill of Rights
- Freedom to Read Statement

- Access to Library Resources and Services for Minors: An Interpretation of the Library Bill of Rights

## **LEGAL AND ETHICAL USE**

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All existing library policies and local, state, and federal laws apply to the library's computer resources. Violation of any laws or regulations may result in loss of library privileges (Homer City Code Section 2.48.070), or possible civil or criminal penalties. The library recognizes that electronic information on the internet may contain material that is inappropriate or offensive to children and patrons of all ages. The library requires that all library patrons using the library's internet connection do so within these guidelines of appropriate and acceptable use.

The following are unacceptable:

- Any use of electronic information which results in the harassment of others;
- Use of electronic information networks which violates a Federal or State law;
- Unauthorized duplication of protected software or licensing agreements, including but not exclusively, "hacking;"
- Destruction, damage to, or unauthorized alteration of the library's computer equipment;
- Behaving in a manner that is disruptive to others;
- Accessing child pornography;
- Any unauthorized disclosure, use and dissemination of any personal identification information regarding minors.
- Display of sexually explicit images at any computer in the library in public view is prohibited and may result in loss of library privileges and possible civil or criminal penalties.

The library reserves the right to classify any action, access, or operation on the internet inappropriate and ban its use by patrons.

All internet users should avoid disclosing personal information over the internet to preserve their own personal safety. Library internet users are prohibited by law from disclosing, using, or disseminating personal information regarding minors without written authorization of the parent or legal guardian of the minors involved.

## **PRIVACY AND CONFIDENTIALITY**

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Internet and other computer use in the library will be considered protected by the confidentiality of library records under Alaska Statutes Section 40.25.140. Any information that identifies internet users with specific materials or subject matters is considered confidential. Such records shall not be made available to any agency of local, state or federal government except pursuant to such process, order or subpoena as may be authorized under the authority of federal, state, or local law relating to criminal, civil or administrative discovery procedures or legislative investigatory power. Homer Public Library resists the issuance or enforcement of any such process, order or subpoena until such time as proper showing of good cause has been made in a court of competent jurisdiction.

While the library is sensitive to a patron's need for privacy in using all library resources, the library cannot guarantee a patron's privacy while using computer resources. All patrons are expected to respect the privacy of others.

Patrons should be aware that the library's wireless network is not encrypted and devices will not be isolated from other users or potential eavesdroppers. Patrons are advised to refrain from connecting any device, especially those containing sensitive data, without first fully securing the device. While connected, patrons should avoid performing tasks that are considered confidential without first creating a strongly encrypted and secure connection to the remote computer, service or webpage. Library staff can help with basic technology questions but patrons are ultimately responsible for their own security.

## **ACCESS BY MINORS (UNDER AGE 18)**

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Parents or legal guardians must assume responsibility for deciding which library resources are appropriate for their own children, and must guide their children in use of the internet and inform them about materials they should not use. Library staff can assist youth and parents in assessing the benefits and risks of internet use for children.

When using electronic mail or other forms of direct electronic communication, the library urges minors to keep in mind the following safety guidelines:

- Never give out identifying information such as home address, school name, or telephone number.

- Let parents or guardians decide whether personal information such as age, marital status, or financial information should be revealed.
- Never arrange a face-to-face meeting with someone via the computer without parents' or guardians' approval.
- Never respond to messages that are suggestive, obscene, threatening, or make you uncomfortable.
- Have parents or guardians report incidents to the National Center for Missing and Exploited Children at 1-800-843-5678 if they become aware of the transmission of child pornography.
- Remember that people online may not be who they say they are.
- Remember that not everything you read is true.

#### **FURTHER INFORMATION**

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- Homer Public Library's webpage on Kids and Digital Media
- Homer Public Library's webpage on Resources for Parents
- NetSmartzKids
- National Children's Advocacy Center
- ConnectSafely

## Conference Room

The conference room and video conference equipment are intended to further the library's mission through enriching lives and encouraging informational, educational, and cultural activities. When library activities are not occupying the conference room, other groups may use it during open hours for lawful, noncommercial purposes.

- Library use of the conference room takes precedence.
- Use of the conference room must be scheduled in advance.
- The individual making the reservation must be age 18 or older.
- All meetings, programs and video conferences during hours when the library is open to the general public must be free and open to the public. Private events may be scheduled after hours for a rental fee.
- Conference room capacity of 46 people may not be exceeded.
- Meetings must end 15 minutes before other scheduled meetings and before the library closes.
- Library staff reserve the right to rescind permission to use the conference room and may provide a substitute room if available.

## REFRESHMENTS

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A small refreshment preparation area with sink is available in the Conference Room. There are neither cooking facilities nor methods for keeping food heated or cooled. Users are responsible for cleanup and for any damages incurred.

## EQUIPMENT

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The conference room includes various pieces of equipment for on-premise use, and other equipment is available for checkout. Library staff will explain the proper use of library equipment before it is operated by non-staff users. The library is not responsible for any damage to users' equipment.

Use of conference room equipment is subject to the same rules as other computer equipment throughout the building.



## CONFERENCE ROOM AND VIDEO CONFERENCE REQUESTS

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- Conference room and video conference equipment use may be requested only by adults. Persons under the age of 18 must be sponsored and supervised by an adult responsible for the group.
- The responsible party agrees to ensure that library policy will be followed and accepts financial responsibility for any charges incurred by the group for damage caused to the building or equipment beyond normal wear.

## USER RESPONSIBILITIES

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- The responsible party must check in with staff before and after a meeting and is responsible for reasonable care of the videoconference equipment, the conference room, and any other equipment used.
- The responsible party agrees to ensure that equipment is used according to library guidelines, as demonstrated by library staff.
- Library staff must be notified in advance of cancellations. Failure to notify library staff in advance may disqualify the user from future use of the room.
- The responsible party agrees to ensure that the room is cleaned up and returned to its pre-use condition, including furniture arrangement.
- In order to avoid damage, only materials approved by library staff may be affixed to walls or other surfaces.

Abuse of equipment or failure to follow library rules on conference room and video conference equipment use may be grounds for denial of permission for further use.

## **Damaged, Lost or Overdue Materials**

### **OVERDUE MATERIALS**

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Patrons who do not return overdue library materials after receiving two notices will have their accounts blocked until library material is returned or compensated for. Patrons with large delinquencies may be referred to a collection agency and may be charged an additional administration fee, as well as all collection agency fees.

### **LOST MATERIALS**

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- A patron will be charged the cost of the lost item plus a processing fee.
- A patron should not purchase a replacement copy of a lost item; the library may choose not to accept a replacement item due to a variety of circumstances (e.g., the item has a reinforced binding, there is a newer edition, or more current information is available in a different item).
- After an item has spent 60 days in lost status, patrons will be charged replacement cost and a processing fee even if the item is returned.

### **REFUND OF REPLACEMENT FEES**

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The amount paid for a lost book that is later found and returned in good condition to the library can be refunded within 60 days of being marked lost.

### **INCOMPLETE MATERIALS**

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If an item is returned missing a part, it will not be checked in. If the patron does not return the missing part within 6 weeks, the patron will be charged a replacement fee as well as a processing fee.

### **DAMAGED MATERIALS**

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If an item is returned damaged due to negligence by the patron, the patron may be assessed a fee for the repair. If the item has been damaged beyond repair, the patron will be charged a replacement fee plus a processing fee.

## **MATERIALS LOST TO THEFT OR NATURAL CAUSES**

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- Charges for materials lost or destroyed by natural causes such as fire or flood may be waived at the discretion of library staff.
- The library may request documentation of the loss.
- The library will furnish a list of borrowed materials with costs for insurance purposes if asked to do so.

## Displays and Exhibits

### BULLETIN BOARDS

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As a service to the City of Homer, the library is a designated posting place for notices issued by the City. Space permitting, other public notices that meet the following guidelines will be posted.

- Official notices of borough, state, and federal agencies relevant to the Homer area.
- Notices for public meetings and events for non-profit organizations.
- Notices of educational courses sponsored by a recognized community organization (but not those publicizing instruction by individual teachers or private firms).

All noticed events must be open to the general public. Notices must be dated and include the name of the sponsoring organization. Library bulletin boards may not be used for commercial sales, personal services, or advertisements for political candidates, parties, and causes.

If bulletin board space becomes insufficient to contain the volume of notices requested for posting, the following restrictions apply:

- Priority is given to events occurring within the library's area of service.
- Notices will be no larger than 8.5 x 11."
- Only one notice per organization may be posted at a time.
- Items will be posted for no more than two weeks.
- Items will be posted for one-time but not recurring events.

Posting of notices does not imply endorsement by the library or the City of Homer. All decisions on posting notices are at the discretion of the library director.

### INFORMATION RACKS

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The library has limited space for brochures and informational handouts. Materials relating to the library will have first priority. Space permitting, materials meeting the following guidelines may be made available for the public:

- Information produced by city, borough, state, and federal agencies.

- Informational materials from non-profit organizations.
- Information about educational courses and resources sponsored by a recognized community organization (but not those publicizing instruction by individual teachers or private firms).
- All materials must have relevance to the Homer community.

## **DISPLAYING ARTWORK, COLLECTIONS, OR OTHER EXHIBITS**

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As part of its public service and information mission, the library makes available designated display and exhibit areas to non-profit groups engaged in educational, cultural, intellectual, or charitable activities.

General guidelines:

- The provision of display space for public use does not constitute library endorsement of the beliefs or viewpoints advocated by the displays, or the organization responsible for the displays.
- Decisions regarding exhibits shall be at the discretion of the library director. Due to limited space, the library director will consider the display's value to the community and will balance a variety of community interests over time.
- The general well-being, safety, maintenance, and good order of the Homer Public Library will take precedence over the agreement to mount or otherwise show exhibitions in library spaces.
- The library does not accept any responsibility for loss or damage of exhibited materials. An owner may wish to obtain private insurance for valuables.
- Individuals and/or groups that submit items for display accept full responsibility for the proper installation, display, and upkeep of materials chosen for exhibition. All installations and related processes must be approved by the appropriate staff of the Homer Public Library.
- Artwork or exhibit items may not be offered for sale while on display in the library, except to benefit the library or Friends of the Homer Library.
- Exhibit-related events using the library grounds and interior spaces must be incorporated into the library schedule through the same process as all other events, and the same rules regarding conduct and facility use apply.

- Unless the library has been retained for private, after-hours use, all exhibition openings and related events must be open to the public and free of charge.

## **ART IN THE LIBRARY PROGRAM**

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The Friends of Homer Library (FHL) operate the ongoing Art in the Library program, which displays works by local artists for three months at a time. In late summer, the Friends put out a call for participation, and artists are invited to submit works for display. Works are chosen by a committee composed of the library director, one Library Advisory Board (LAB) member, one member of FHL (who is not also a LAB member) and one member of the Parks, Art, Recreation, and Culture Advisory Committee. The library director holds final review authority over all recommendations made by the committee.

The committee recognizes that tastes and preferences in artwork vary widely and that freedom of expression and access to alternative perspectives are among the highest national values. It also recognizes that the public library is a space in which all segments of society are welcome and encouraged to participate in all its services and activities without barrier; these considerations require sensitivity in the selection process.

## **Donation Acceptance and Management**

The library welcomes donations of materials, funds and other real property, provided such donations align with the library's mission. Donations will be managed differently depending on the type of donation and its uses. Donations made directly to the library or the Library Endowment Fund will be used for purchasing materials, upgrading or replacing equipment, and improving facilities and services. Donations made to the Friends of the Homer Public Library (FHL) or the FHL Endowment Fund will support that organization's mission, "to provide support for the Homer Public Library programs and services, to raise funds that enrich the library experience, and to promote the use and enjoyment of the library."

As a general rule, the library and FHL cannot accept restrictions for specific purposes, such as particular collections or programs. Donors who wish to make a gift for a specific purpose should contact the library director to discuss options.

### **MATERIALS**

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The library director shall be authorized to accept gifts of materials on behalf of the library. The library adds gift materials to the collection with the understanding that such material is an integral part of the collection. The library will not set up special collections and will not permit circulation restrictions or stipulations for future use. Books and other materials not deemed appropriate for inclusion in the library collection may be offered to other libraries or institutions or offered for sale.

### **ARTWORK**

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All donations of artwork are referred to the Parks, Art, Recreation and Culture Advisory Commission (PARCAC), which evaluates donations in accordance with its policies.

### **EQUIPMENT AND OTHER PHYSICAL ITEMS**

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When considering any gift, the library director may solicit the recommendation of a gift acceptance committee, a group made up of advisors knowledgeable about financial, legal, and community matters, to be chosen by the library director. Authority for accepting or rejecting gifts resides with the library director, although high-value gifts may require further approval of the Library Advisory Board

and/or the Homer City Council. Gifts that may require an opinion from the gift acceptance committee include, but are not limited to, the following:

- Any gift with recognition requirements other than those ordinarily provided by the library or Friends of the Homer Public Library (FHL).
- Gifts of valuables that will encumber the library either financially or administratively.
- Large or highly specialized equipment, which requires operator expertise beyond that normally held by library staff.

Because of limited space, as a general rule the library is unable to accept donations of furnishings or other tangible personal property given on condition that these items be retained by or displayed at the library.

## **FUNDS**

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Financial donations to benefit the library can be made in two ways: directly to the library or to the Friends of the Homer Public Library (FHL), an independent, nonprofit 501(c)3 organization.

Donations to the library supplement materials for the library's collection, purchases or upgrades for library equipment, and improvements or repairs to library facilities and services. Donations to FHL benefit the organization's mission: to support library programs and services, enrich the library experience, and promote use and enjoyment of the library.

To make a gift to the library or FHL for immediate or specific use, contact the library director or visit the Friends' donate page on the FHL website.

To make a significant gift or planned gift for sustained support over time, visit the Homer Foundation. The Homer Foundation's tax ID number is 92-0139183. Homer Public Library benefits from three separate funds, all managed by the Homer Foundation:

- The Library Endowment Fund supplements the library budget in the same manner as a direct donation to the library. The endowment fund is a permanent investment account, and money invested there pays dividends to support library operations indefinitely.
- The Friends of the Homer Public Library Endowment Fund supports FHL's mission and long-term success. The FHL endowment fund provides permanent support for FHL activities.



- The Friends of the Homer Public Library Stewardship Fund is a non-endowed fund. This fund differs from the endowments in that money invested here is available for FHL to withdraw and spend on activities. A donation to the stewardship fund is the equivalent of a cash or check donation directly to the FHL coordinator.

Donations through the Homer Foundation should comply with the Homer Foundation's gift-acceptance policy.

## **SECURITIES, REAL ESTATE AND OTHER NON-CASH DONATIONS**

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On behalf of the two endowment funds, The Homer Foundation (tax ID # 92-0139183) can accept donations in all of the following categories, with the understanding that such donations will usually be liquidated and the resulting monies deposited in the designated fund. All gifts should be considered in the context of preserving the Foundation's public support test and avoiding exposure to any significant monetary obligation or any legal or ethical problems.

- Marketable securities and bonds
- Cash and cash equivalents (including estate remainders)
- Gifts of usable furniture and equipment
- Gifts of precious metals, where the value is easily established
- Insurance policies, where the donor pays any annual premium, and Individual Retirement Accounts. Such donations should name the Homer Foundation's Friends of the Homer Public Library Endowment Fund or the Homer Foundation's Library Endowment Fund as beneficiary.

The Homer Foundation also can accept the following types of donations, although such gifts may require review by the Foundation's Gift Acceptance Committee:

- Real estate. Every proposed gift of real estate must be examined on its individual merits, including, but not limited to, the title to the property and its insurability, the results of environmental investigations, and marketability. The donor must provide an appraisal by a qualified appraiser, completed within the previous 12 months.
- Gift annuities.
- Charitable Remainder or Lead trusts.

- Named endowment funds.

## **OTHER INFORMATION**

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The library does not accept donations that are not outright gifts. The library and the Friends of the Homer Public Library reserve the right to decline any gift that interferes with the library's ability to fulfill its mission or that unduly encumbers either the library or the City of Homer.

The library cannot legally appraise gifts for tax purposes. Upon request, donors will be provided a signed and dated gift statement as a receipt.

## Donor Recognition

Homer Public Library is grateful for the extensive donations of money, time, materials and other real property that the community has offered for decades. While the library cannot recognize all donations individually, the following pages lay out the process for showing appreciation.

### THANK-YOU CARDS

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- Description: A card mailed to donors.
- Scope: Recognizes all financial donations to the Library Endowment Fund and the Friends of the Homer Public Library Endowment Fund during the preceding year. Donations are recognized regardless of their size.
- Responsibility: LAB members write thank-you cards for donations to the Library Endowment Fund. FHL Board members write thank-you cards for donations to the FHL Endowment Fund and directly to FHL. The library director writes thank-you cards for donations made directly to the library.
- Recordkeeping: Donors are tracked by the Homer Foundation, which provides names and contact information to both the LAB and FHL. Donations made directly to FHL will be tracked by the FHL Coordinator. Donations made directly to the library will be tracked by the library director or a designated staff member.

### HOMER PUBLIC LIBRARY ANNUAL REPORT

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- Description: An annual library report will be issued every January, including a list of donors during the preceding January-December.
- Scope: Recognizes all financial donations to the Library Endowment Fund, the Friends of the Homer Public Library Endowment Fund and the Friends of the Homer Public Library Stewardship Fund during the preceding calendar year. Donations are recognized regardless of their size. Donors are listed alphabetically by last name in the report.
- Responsibility: The library director writes the Annual Report.
- Recordkeeping: The Homer Foundation issues an annual list of donors to its partners.

## **FISH PLAQUE**

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- Description: A copper fish bearing the donor's name or inscription will be added to the fish wall outside the entrance of the library.
- Scope: Recognizes donors who contribute the requisite amount to either of the endowment funds. Donors who provide \$500 or more will get a small fish, while donations of \$2,500 or more get a large one.
- Responsibility: The LAB will contract with a metalsmith to manufacture the fish.
- Recordkeeping: The Homer Foundation issues an annual list of donors to its partners. Donations made directly to FHL will be tracked by the FHL Coordinator. Donations made directly to the library will be tracked by the library director or a designated staff member.
- Notes: Installation occurs once a year, in late spring or early summer. The recognition is for gifts made during the previous January to December, and is not carried over from year to year. Further, the recognition is for a donation made as a single lump sum; not accumulated over multiple payments in a 12-month period. Donors who have donated over multiple years can have multiple fish on the wall.

## **JOINT LETTER OF APPRECIATION**

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- Description: The LAB and FHL will issue a joint letter of appreciation to the donor, with the understanding that the donor may use the letter for advertising purposes.
- Scope: Recognizes substantial or unique gifts that provide great value to the library.
- Responsibility: Based off a common template, the letter is drafted and personalized by the LAB and the FHL Board.
- Recordkeeping: The recognition is for extraordinary (and generally rare) gifts, and must be discussed jointly by the FHL board and the LAB.

## **EXCEPTIONS**

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Exceptions or waivers to the provisions of this policy will be considered in exceptional circumstances only, and will be subject to approval by the Homer City Council. The City reserves the right to terminate or alter arrangements for recognition under unusual or extraordinary circumstances.

## Fees

The library endeavors to provide services at the lowest possible cost to patrons. However, some services charge a fee to offset the cost of materials and/or staff time. The website of the Homer City Clerks displays the most recent fee schedule for all City services.

## Holds

- When the library owns an item which is not immediately available, it can be placed on hold (i.e., reserved) at a patron's request. When the item becomes available, it will be set aside and the patron will receive notice that it is ready for pickup.
- Holds are retained for a set period after notice is issued. If it is not picked up in that time, it will be reshelfed or passed to the next patron on the holds list.
- Patrons can also place holds themselves through the library's online catalog.
- An item which is checked out cannot be renewed if it is on hold for another patron. Such items should be returned by their original due date.

## Interlibrary Loan

Interlibrary loan (ILL) services shall be used to obtain materials and information not available at Home Public Library. Materials may be borrowed from other libraries even if the items do not fit HPL's selection criteria, are out of print, or do not see sufficient demand for HPL to purchase.

Patrons wishing to use HPL's interlibrary loan services should be aware of the following:

- HPL charges a fee for ILL service, and the lending institution may also charge. Patrons may place a limit on acceptable charges, with the understanding that items may not be obtainable below that limit.
- Staff attempt to fulfill ILL requests, but not all materials are obtainable. There is no charge to the patron if staff are unable to complete a request.
- Materials borrowed from other sources circulate according to the policies of the lending institution. Patrons will be charged for lost or damaged items in accordance with those policies.

## Library Cards

- A patron may have only one library account.
- A patron must have an account in good standing to borrow materials.
- A patron's account will be blocked, and no services may be obtained with it, if the patron owes \$10.00 or more in unpaid fines and/or fees.
- The guardians listed on the account are responsible for paying any fines and/or fees on the accounts of juveniles under their guardianship.
- At patron request, library staff will renew overdue materials that have not reached the maximum renewal limit, even if a patron's card is blocked. An item that has been placed on hold by another patron may not be renewed.
- Library cards that have been in "expired" status for seven years or more will be deleted from the system.

### PERMANENT CARDS

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Any adult residing or owning property in the Homer Public Library service area is eligible for a permanent library card. Applying for a card affirms that the card holder accepts responsibility for materials borrowed on the card and any charges incurred. A permanent card allows patrons to check out up to 25 items at a time. The first card is free and must be renewed every two years. Lost cards may be replaced for a small fee.

Requirements for a Permanent Library Card:

1. Apply in person
2. Supply proof of identity
  - Valid driver's license OR
  - Government-issued photo identification OR
  - School identification card
3. Supply proof of residency or land ownership in the library service area

Applicants must reside at a documented address or own property within the library service area. The Homer Public Library service area includes:

- Anchor Point



- Diamond Ridge
- Fritz Creek
- Halibut Cove
- Happy Valley
- Homer City
- Kachemak City
- Kachemak Selo
- Nanwalek
- Nikolaevsk
- Ninilchik
- Port Graham
- Razdolna
- Seldovia
- Voznesenka

Acceptable proof of local residency or land ownership within the library service area includes:

- Valid Alaska driver's license or other government-issued document showing local address
- Cancelled mail addressed to the applicant postmarked within the last 30 days
- Voter registration card with local precinct
- Recent utility bill showing physical address, printed or on an electronic device
- Preprinted check from a local bank imprinted with local address
- Real estate property ownership, which may be verified on the Borough website
- Current rent bill or signed lease agreement with local address

Important Notes:

- General Delivery or delivery c/o (care of) is not an acceptable address for a permanent card.
- Proof of change of address is required when mail has been returned.
- Patrons who move out of the service area and who no longer meet the requirements of a permanent card are eligible for a temporary card.

## **PERMANENT CARDS FOR JUVENILES**

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Requirements for a Juvenile Permanent Library Card:

1. Parent or guardian must apply in person
2. Parent or guardian must supply proof of identity
  - Valid driver's license OR
  - Government-issued photo identification OR
  - School identification card
3. Parent or guardian must supply proof of residency or land ownership in the library service area

Persons under 18 years of age are considered juveniles. By applying for a juvenile permanent card, the parent or guardian accepts responsibility for library materials and services used by the juvenile, as well as the juvenile's conduct on library premises. Juveniles may check out up to 25 items at a time on a permanent card. The parent or guardian's library account must be in good standing before any new cards will be issued.

## **TEMPORARY CARDS**

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Temporary cards are issued to people who plan to be in the service area for six months or less or do not have proof of local residency. A temporary card is available for a small fee and is valid for six months. Temporary card holders may check out up to ten items at a time. Applying for a card affirms that the card holder accepts responsibility for materials borrowed on the card and any fines incurred. A patron may not have more than one valid Homer Public Library card. Temporary cards may not be used for interlibrary loan (ILL).

Requirements for a Temporary Library Card:

1. Apply in person
2. Supply proof of identity
  - Valid driver's license OR
  - Government-issued photo identification OR
  - School identification card
3. Supply proof of mailing address

- Valid driver's license or other government-issued document showing mailing address  
OR
- Evidence of cancelled mail addressed to the applicant postmarked within the last 30 days

A local address may be given in addition if available. General Delivery or delivery c/o (care of) is not acceptable as a mailing address for a temporary card. Both may be used as a supplemental local address.

### **TEMPORARY CARDS FOR JUVENILES**

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Persons under 18 years of age are considered juveniles. By applying for a juvenile temporary card, the parent or guardian accepts responsibility for library materials and services used by the juvenile as well as the juvenile's conduct on library premises. If the parent or guardian has a library card, that library account must be in good standing before a juvenile temporary card will be issued to the juvenile.

Requirements for a Juvenile Temporary Library Card:

1. A parent or guardian must apply in person.
2. Supply proof of identity for the parent or guardian.
3. Supply proof of mailing address for the parent or guardian. Exceptions to the above requirements may be made at the discretion of the library director.

### **RECIPROCAL CARDS**

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Certain libraries within Alaska participate in the reciprocal borrowing program, which allows patrons to check out materials from the Homer Public Library using a card from their local library. Materials must be returned to Homer, not to the reciprocal institution. Patrons interested in this program should speak to staff at the front desk. Reciprocal cards may not be used for interlibrary loan (ILL).

Requirements:

1. Must be present in person
2. Must present ID

3. Must present a physical card from another library participating in the reciprocal borrowing program

## **INSTITUTIONAL CARDS**

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On occasion, the library partners with community organizations (such as schools or assisted-living facilities) to make materials available to people within the organization using an “institutional” account. Institutions that wish to take advantage of this option should contact the library director.

## **LOST, STOLEN OR DAMAGED CARDS**

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- A patron is responsible for notifying the library promptly of a lost or stolen card.
- A patron is responsible for all items checked out on the card prior to it being reported lost or stolen.
- When a patron reports a library card is lost or stolen, a block is placed on that account number. A replacement card may be issued for a small fee.
- A patron must be present and supply proof of identity when a new card is issued.
- A card may be replaced free of charge at the discretion of library staff for normal wear and tear (e.g., when the scanner is no longer able to read the barcode) or hardship (e.g., patron’s house burned down).
- A patron must verify registration information.

## Other Spaces

Questions about reserving other areas within and around the library should be addressed to the library director.

### **FIREPLACE LOUNGE**

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The fireplace lounge occupies the southeast corner of the main floor. It provides space for roughly 40 people (seated) or 60 (standing). A projection screen and overhead speakers are available. The space is suitable for lectures, panel discussions or movie showings (during winter darkness).

### **JOY GRIFFIN CHILDREN'S LIBRARY**

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The children's library can be used for educational activities or programs. Besides the shelving area, the room includes an open floor space for programs, child-sized tables and chairs, and a small computer corner.

### **PLAZA**

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The plaza in front of the library building does not require reservations, though library staff appreciate being informed of any organized activities taking place. Individuals may distribute flyers or display signs in the plaza, but use of the space may not impede access to the library building or create a danger to people or property. Smoking is only permitted at the designated smoking area west of the plaza.

### **WESTERN LOT AND STORY WALK TRAIL**

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A public trail leads westward from the library building, skirting the north edge of the parking lot and continuing into the trees as far as the Poopdeck Trail. The Story Walk Trail displays pages from picture books on posts along the trail. Library programs are occasionally conducted in areas adjacent to the trail, but the library assumes no responsibility for the activities of other groups using the space.

No reservations are needed for using the trail.

## Privacy

The Homer Public Library recognizes the need to protect each individual's right to privacy regarding materials borrowed from the library and questions asked of staff.

### CONFIDENTIALITY OF LIBRARY RECORDS

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Reaffirming the individual's right to read, listen, and view, the Homer Public Library declares that circulation and registration records of the library are confidential in nature, protected by the individual's right to privacy, and that these records are not to be disclosed to any person or agency, government, or other organization, under any circumstance, except upon order from a court of competent jurisdiction. Any costs the library incurs in any search shall be charged to the agency demanding such search.

Authority for this policy is set in Alaska Statutes, Inspection and Copying of Public Records:

Sec. 40.25.140. Confidentiality of library records.

(a) Except as provided in (b) of this section, the names, addresses, or other personal identifying information of people who have used materials made available to the public by a library shall be kept confidential, except upon court order, and are not subject to inspection under AS 40.25.110 or 40.25.120. This section applies to libraries operated by the state, a municipality, or a public school, including the University of Alaska.

(b) Records of a public elementary or secondary school library identifying a minor child shall be made available on request to a parent or guardian of that child. (sec. 1 ch 35 SLA 1985)

To conform to the law: Names, addresses, telephone numbers, or information concerning what items are on a patron's account or what a patron is reading will NOT be given out to anyone, including spouses and law enforcement officers, with the following exceptions:

- Patrons request information in person about their own accounts and can produce their own library cards.
- Patrons request information over the telephone about their own accounts and can provide the account number and PIN.

- Patrons email requesting information about their own accounts from the email address listed for the account and can provide the account number.
- Parents or legal guardians request titles of overdue, lost, or damaged items their minor children have borrowed, and the identity of the person can be verified as a parent or guardian listed on the minor's account.

Under no circumstances should a minor's address or telephone number be given to anyone, including a parent or guardian. A minor is anyone under the age of 18. All notices sent to patrons will be in envelopes or otherwise suitably masked to maintain confidentiality. If at any time there is a question about giving out information from library patron accounts, the staff member will check with the library director.

#### **CONFIDENTIALITY OF INTERNET AND OTHER ELECTRONIC ACCESS**

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Internet and other computer use in the library will be considered protected by the confidentiality of library records under Alaska Statutes Section 40.25.140. Any information that identifies internet users with specific materials or subject matters is considered confidential. Such records shall not be made available to any agency of local, state or federal government except pursuant to such process, order or subpoena as may be authorized under the authority of federal, state, or local law relating to criminal, civil or administrative discovery procedures or legislative investigatory power.

Homer Public Library resists the issuance or enforcement of any such process, order or subpoena until such time as proper showing of good cause has been made in a court of competent jurisdiction.

While the library is sensitive to a patron's need for privacy in using all library resources, the library cannot guarantee a patron's privacy while using computer resources. All patrons are expected to respect the privacy of others.

## **Programs Led by Library Staff or Friends of Homer Library**

Library staff and the Friends of Homer Library routinely organize and run events in the library. Typical events include author readings, Storytime, children's activities, book clubs, and regular meetings of groups that further the educational and cultural goals of the library's mission. Many other programs are one-time events.

Decisions regarding the content and scheduling of such programs rest with library staff and ultimately the library director. The selection of programs is guided by the library's mission statement and also considers the following factors:

- Budget
- Space limitations
- Presentation quality
- Interest to target audience
- Educational value (or value that enhances the library mission more broadly)
- The capacity of staff in terms of skills, resources, etc.
- For children or youth, the developmental appropriateness of the program, including its content, length, timing, etc.

Staff will consider all programs that do not conflict with the library's mission, even when those programs may inspire controversy.

All programs are offered to the public free of charge, with the exception of certain events designed to raise funds for the library or Friends of Homer Library. The vast majority of presenters and performers provide their services for free, but the library or Friends may occasionally pay a stipend or travel and lodging costs. Financial arrangements are negotiated on a case-by-case basis.

### **CO-HOSTED PROGRAMS**

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Homer Public Library, or the Friends of Homer Library, may occasionally co-host events in partnership with outside groups. All such events require authorization from the library director. Co-hosted events must meet the following minimum requirements:

- Must be compatible with the library's mission and policies



- Must be free and open to all
- Must not promote a political candidate or cause, or imply library support for any candidate or cause. A public debate or other forum that presents contrasting views is acceptable.
- Must not place undue burdens on staff or volunteers
- The library director has the discretion to consider other factors as appropriate

Exceptions to these guidelines may be granted by special permission of the library director.

## **RECORDING**

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Library programs take place in a public forum and staff may make recordings, including photographs, video or audio, for purposes of advertising such programs to the public.

## **Programs Organized by Community Groups or Individuals**

The Homer Public Library welcomes the use of its space by community groups for informational, educational, cultural and civic activities, to the extent that such activities do not interfere with library operations or use of the library by other patrons.

Events require authorization from the library director, and permission to run an event within the library does not imply endorsement of the views or content expressed. As a public institution, the library is required to remain neutral on matters of public policy.

### **GUIDELINES FOR EVENTS**

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- All events held during open hours must be non-commercial and free to the public.
- Direct or indirect sale of any product or service is prohibited, except for sales sponsored by the library or Friends of the Homer Public Library. Non-profit organizations may accept donations to cover the cost of program or workshop presentation.
- Library facility use is intended for specific events rather than for meetings that recur on a regular schedule. Scheduling of library facility use will be limited when necessary to ensure equitable access to the facilities for the entire community.
- Users are responsible for complying with all library rules, for cleanup, and for any damage to the facility, its grounds, or contents.
- Partisan or religious organizations may use meeting spaces as long as this use does not impinge on the right of other patrons to enjoy the library without interference.
- Videos, licensed stage plays and other performances may be used in public programs and after-hours scheduled meetings, but the organizer(s) are responsible for obtaining public performance rights.
- Display of pornographic images in public view in the library is prohibited and may result in loss of library privileges and possible civil or criminal penalties.
- The library does not assume liability for damage to or loss of personal property, or for any personal injury, which occurs as a result of the actions of the sponsors or participants in meetings scheduled at the library.

- Homer Public Library facilities and grounds may not be used for activities deemed inappropriate by the library director. Large special events must comply with Homer City Code 5.46.

Users may appeal the library director's decision to the city manager, whose decision shall be final.

### **DURING LIBRARY HOURS**

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During open hours, group activities are normally confined to the conference room or study rooms, except for programs led by library staff or the Friends of the Homer Public Library. The library director may make exceptions when an event is compatible with library operations and use of the library by other patrons.

### **OUTSIDE LIBRARY HOURS**

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Various spaces in the library are available for rent outside of library hours. Such use requires a reservation and fee. All after-hours events must be approved in advance by the library director and supervised by library staff or other supervisors approved by the library director. Scheduling of after-hours events is dependent upon availability of an individual approved to supervise. See the After-Hours Facility Use Agreement for fees and the conditions of use.

The fee for use may be waived at the discretion of the library director on a case-by-case basis for non-profit groups that provide significant support to the library or Friends of the Homer Public Library.

An After-Hours Facility Use Agreement must be approved by the library director.

## **Solicitation, Petitions, and Distribution of Materials**

Individuals or groups may circulate petitions and distribute literature on any topic in the public forum area surrounding the library building, subject to applicable local, state and federal laws and regulations. Persons wishing to circulate petitions or distribute literature should inform staff at the circulation desk before commencing as a courtesy to staff, to confirm location of the public forum areas, and to avoid potential conflicts with scheduled library activities. Distribution of literature and circulation of petitions must not disturb library patrons, impede their access to the library, create a safety hazard, or interfere in any way with normal use of the facility, the grounds, or parking areas.

Circulation of petitions and distribution of literature are forbidden within the library building, under the covered entrance to the library, along the front walkways that connect with sidewalks and the parking area, and in the parking areas in order to maintain safety and allow public access to the library without impediment or disturbance. The remaining library grounds are designated as public forum areas.

All materials must be worded to avoid any implication of endorsement or sponsorship by the Homer Public Library or the City of Homer. Permission to use the library grounds does not constitute an endorsement or sponsorship of any group, individual, organization or event or carry with it any responsibility for representation of all points of view.

Soliciting funds is not permitted within the library building, with the exception of activities that benefit the library or the Friends of Homer Library.

## Study Rooms

The library has six study rooms, one of which is designated as a “special equipment” room for public tools such as the microform reader or the videophone. If this special equipment is not immediately needed, the room is available as a general study room.

- Study rooms are available for use only when the library is open to the general public. Rooms are kept locked when not in use.
- Capacity of the rooms is 6 individuals, with up to 8 individuals allowed on a case-by-case basis with permission from library staff.
- Rooms are available on a first-come, first-served basis except when scheduled by library staff for governmental meetings, one-time educational uses such as proctoring tests, or to accommodate unexpected conflicts in conference room use. Patrons are guaranteed use of the room for a two-hour period. Additional time may be granted if no other groups or individuals wish to use the room.
- Individuals taking proctored examinations may use the group study rooms by appointment. The library’s designated proctor will book rooms for this purpose.

The person signing for a group study room is responsible for seeing that it is used in accordance with the following rules and for any damage that might be done to the room or its furnishings.

- Capacity is not to exceed 6 persons without staff permission.
- No food is allowed. Beverages in covered containers only.
- Room is to remain unlocked while in use.
- Lights must be on.
- Noise levels should not be audible outside the room.
- No materials may be affixed to walls or other surfaces.
- Users must notify the front desk when finished.
- Room should be left in clean and tidy condition.

Violation of any of the above rules is grounds for the entire group’s forfeiture of use of the room.

## Unattended Children

The library welcomes children to use its facilities and services; however, the safety of children left alone in the library is a serious concern. Responsibility for the behavior and well-being of children using the library rests with the parent (or guardian or caregiver assigned by the parent) and not with the library's personnel. Children under the age of 12 are not considered appropriate guardians for their younger siblings in a library setting. Library staff members cannot supervise children in the library.

If a child under 12 years of age is left unattended in the library, and the child's behavior becomes a problem for other patrons or library staff, the library staff will attempt to locate the child's parents or guardians. If a parent cannot be reached, the City of Homer Police Department will be called to escort the child home or keep the child until parents or guardians can be located. Library employees are not permitted to remain after hours with an unattended child or to give a child a ride home. If a parent cannot be reached by the time the library is to close, the police will be called to escort the child home or keep the child until parents can be reached.

In any situation involving youth safety and specifically whenever parents (or other caregivers) or law enforcement personnel are contacted, staff will complete an Incident Report. In cases of serious violations of the Unattended Children Policy, the library will notify the Alaska Division of Family and Youth Services.

## User Conduct

### GENERAL GUIDELINES

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The Homer Public Library is available to persons of all ages. While everyone has an equal right to access library services and facilities, no person has the right to interfere with the ability of others to use and enjoy library resources, services, and facilities.

The library director and staff are responsible for enforcing patron conduct in the library. Anyone found to be interfering with another's use of the library will be asked to stop the behavior or activity. If the behavior continues, the staff will ask the individual to leave the library. Failure to leave will result in a call for police assistance. Repeated or serious violations may result in denial of library privileges and permanent exclusion.

No list can be exhaustive; however, any conduct which disrupts library use is prohibited. The following are not acceptable in the library:

- Harassing or threatening others verbally, physically, sexually, or electronically. Harassment includes (but is not limited to) deliberately disturbing or distracting others, using abusive or profane language, and other behaviors designed to make the target feel uncomfortable or endangered.
- Bringing animals into the facility, with the exception of service animals as defined by the Americans with Disabilities Act, Titles II and III, and Alaska law (AS 11.76.130).
- Consuming food inside the library, except where and when specifically permitted by the library director. Beverages in covered containers are allowed.
- Smoking, vaping, drugs, and alcoholic beverages are not allowed in the library. Smoking is allowed in a designated smoking area 50 feet from the library entrance.
- Excessive noise.
- Destroying or defacing property of others, including library property.
- Stealing library materials.
- Making unauthorized or inappropriate use of library equipment.
- Trespassing into any area closed to the public.

- Using a bicycle, skateboard, scooter, roller or in-line skates in the library or near the entrance and entryway sidewalks.
- Exhibiting odor or fragrance that disturbs others to the point that it interferes with library activities, use of library resources, or staff work.
- Using library facilities for purposes of bathing or sleeping.
- Having a visible infestation of lice, parasites, or other pests.
- Having wet or soiled clothing that may stain or befoul library furniture.
- Committing any other illegal acts or conduct in violation of federal, state, or local law, ordinance, or regulation.



## Volunteers

The library depends on dedicated volunteers! Each week hundreds of books are shelved, mended and made available to the public thanks in part to the hard work of people who donate their time and skills to ensure the institution's success.

Staff can sign off on community service hours or certify work experience for educational programs.

The information below is specific to the library, but the library's policies will conform to the larger City of Homer Volunteer Policy, if and when such a policy is created.

### APPLICATION PROCESS

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Anyone interested in volunteering at the library must fill out an application form, available at the front desk or on the library's website. The staff volunteer coordinator will reach out to schedule shifts and provide training.

Volunteers who would like to work with youth (under age 18) will need to pass a background check, unless the volunteers themselves are under age 18.

The simplest background check is the Alaska State Troopers name-only search. The library will cover the application fee if the application is processed directly by library staff. Background checks must be renewed every 3 years. **Volunteers who already have a background check can simply demonstrate that their existing clearance is up to date.** Examples include:

- Kenai Peninsula Borough School District
- Military or government security clearance
- Community care license
- Clearance provided by another community organization that works with youth

### RESPONSIBILITIES

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Homer Public Library has many jobs for volunteers. Ongoing work includes shelving library materials, mending or cleaning books, shelf-maintenance and processing new materials. If you are interested in any particular area please specify your job preference on the volunteer application. Occasionally a

special program or project requires the help of volunteers and the library keeps a list of those willing to be called as needed. The work may be independent or in small groups.

Volunteers supplement the duties and activities of paid employees, and may be mistaken for regular staff. Due to this, volunteers are held to the same standards of professional behavior as paid employees. Volunteers should not exceed the limits of training, but refer difficult or complex questions to staff. Volunteers who consistently violate library rules or fail to complete tasks may be asked to resign.

## Appendices

## RELEVANT LAWS

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### Homer City Code

Chapter 2.48: Public Library

Chapter 5.46: Special Events

Chapter 19.08.030: Parking or Camping Prohibited

### State of Alaska Statutes

Alaska Statute 11.76.130: Interference with Rights of Physically or Mentally Challenged Person

Alaska Statute 14.56.400: Public Libraries

Alaska Statute 29.35.145: Regulation of Firearms

Alaska Statute 40.25.140: Confidentiality of Library Records

### United States Constitution, Code and Statutes

First Amendment to the U.S. Constitution

Americans with Disabilities Act, Title II, Section 35.136: Service Animals

U.S. Code Title 17: Copyrights

### Case Law

See the appendices on “Materials Reconsideration: Compendium of Selected Library Cases” and “Materials Reconsideration: Standard of Review” for further details on the cases below.

1. *Reno v. American Civil Liberties Union*, 521 U.S. 844 (1997)
2. *Kreimer v. Bureau of Police of the Town of Morristown*, 958 F.2d 1242, 1255 (3d Cir. 1992)
3. *Minarcini v. Strongsville City School District*, 541 F.2d 577 (6<sup>th</sup> Cir. 1976)
4. *Erznoznik v. City of Jacksonville*, 422 U.S. 205, 213 (1975)
5. *Miller v. California*, 413 U.S. 15 (1973)
6. *Case v. Unified Dist. No. 233*, 908 F.Supp. 864 (D.Kansas 1995)

7. *Pratt v. Independent School Dist. No. 18, Forest Lake, Minn.*, 670 F.2d 771 (8<sup>th</sup> Cir. 1982)
8. *Fayetteville Public Library v. Crawford County, Arkansas*, 684 F. Supp.3d 879 (W.D. Ark. 2023)
9. *Gay Guardian Newspaper v. Ochopee Regional Library System*, 235 F.Supp.2d 1362 (S.D. Georgia 2002)
10. *Island Trees Sch. Dist. v. Pico by Pico*, 457 U.S. 853, 872 (1982)
11. *ACLU of Florida v. Miami-Dade County School Bd.*, 557 F.3d 1177, 1202 (11<sup>th</sup> Cir. 2009)
12. *Sund v. City of Wichita Falls, Texas*, 121 F. Supp. 2d 530 (N.D. Texas, 2000)
13. *Turner Broadcasting, Inc. v. FCC*, 512 U.S. 622 (1994)

## **LIBRARY BILL OF RIGHTS**

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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.
- VII. All people, regardless of origin, age, background, or views, possess a right to privacy and confidentiality in their library use. Libraries should advocate for, educate about, and protect people's privacy, safeguarding all library use data, including personally identifiable information.

Adopted June 19, 1939, by the ALA Council; amended October 14, 1944; June 18, 1948; February 2, 1961; June 27, 1967; January 23, 1980; January 29, 2019.

Inclusion of "age" reaffirmed January 23, 1996.

Retrieved 2/14/23 from <https://www.ala.org/advocacy/intfreedom/librarybill>.

## CODE OF ETHICS OF THE AMERICAN LIBRARY ASSOCIATION

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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.
9. We affirm the inherent dignity and rights of every person. We work to recognize and dismantle systemic and individual biases; to confront inequity and oppression; to enhance diversity and inclusion; and to advance racial and social justice in our libraries, communities, profession, and associations through awareness, advocacy, education, collaboration, services, and allocation of resources and spaces.

Adopted at the 1939 Midwinter Meeting by the ALA Council; amended June 30, 1981; June 28, 1995; January 22, 2008; and June 29, 2021.

Retrieved 2/14/23 from <https://www.ala.org/tools/ethics>.



## FREEDOM TO READ STATEMENT

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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.

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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 for Free Expression](#)

[The Association of American University Presses](#)

[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

Retrieved 2/14/23 from <https://www.ala.org/advocacy/intfreedom/freedomreadstatement>.

## FREEDOM TO VIEW STATEMENT

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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

Retrieved 2/14/23 from <https://www.ala.org/advocacy/intfreedom/freedomviewstatement>.

## LIBRARIES: AN AMERICAN VALUE

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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

Retrieved 2/14/23 from <https://www.ala.org/advocacy/intfreedom/americanvalue>.



## ACCESS TO LIBRARY RESOURCES AND SERVICES FOR MINORS: AN INTERPRETATION OF THE LIBRARY BILL OF RIGHTS

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The American Library Association supports equal and equitable access to all library resources and services by users of all ages. Library policies and procedures that effectively deny minors equal and equitable access to all library resources and services available to other users is in violation of the American Library Association's *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, apparent maturity, educational level, literacy skills, emancipatory or other legal status of users violates Article V. This includes minors who do not have a parent or guardian available to sign a library card application or permission slip. Unaccompanied youth experiencing homelessness should be able to obtain a library card regardless of library policies related to chronological age.

School and public libraries are charged with the mission of providing services and resources to meet the diverse interests and informational needs 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 providing library services and should be determined on an individual basis. Equitable access to all library resources and services should not be abridged based on chronological age, apparent maturity, educational level, literacy skills, legal status, or through restrictive scheduling and use policies.

Libraries should not limit the selection and development of library resources simply because minors will have access to them. A library's failure to acquire materials on the grounds that minors may be able to access those materials 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 through the library in print, sound, images, data, social media, online

applications, games, technologies, programming, and other formats.<sup>1</sup> 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>2</sup> Libraries and their 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 or not content is constitutionally protected.

Article VII of the *Library Bill of Rights* states, “All people, regardless of origin, age, background, or views, possess a right to privacy and confidentiality in their library use.” This includes students and minors, who have a right to be free from any unreasonable intrusion into or surveillance of their lawful library use.<sup>3</sup>

The mission, goals, and objectives of libraries cannot authorize libraries and their governing bodies to assume, abrogate, or overrule the rights and responsibilities of parents and guardians. 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.”<sup>4</sup> Libraries and their governing bodies cannot assume the role of parents or the functions of parental authority in the private relationship between parent and child. Libraries and their governing bodies shall ensure that only parents and guardians have the right and the responsibility to determine their children’s—and only their children’s—access to library resources. Parents and guardians who do not want their children to have access to specific library services, materials, or facilities should so advise their own

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<sup>1</sup> *Brown v. Entertainment Merchant’s Association, et al.* 564 U.S. 08-1448 (2011).

<sup>2</sup> *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 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 also *Tinker v. Des Moines School Dist.*, 393 U.S.503 (1969); *West Virginia Bd. of Ed. v. Barnette*, 319 U.S. 624 (1943); *AAMA v. Kendrick*, 244 F.3d 572 (7th Cir. 2001).

<sup>3</sup> “[Privacy: An Interpretation of the Library Bill of Rights](#),” adopted June 19, 2002, by the ALA Council; amended July 1, 2014; and June 24, 2019.

<sup>4</sup> “[Libraries: An American Value](#),” adopted on February 3, 1999, by ALA Council.

children. Libraries and library governing bodies should not use rating systems to inhibit a minor's access to materials.<sup>5</sup>

Libraries and their governing bodies have a legal and professional obligation to ensure that all members of the communities they serve have free and equitable access to a diverse range of library resources and services that is inclusive, regardless of content, approach, or format. This principle of library service applies equally to all users, minors as well as adults. Lack of access to information can be harmful to minors. Libraries and their governing bodies must uphold this principle in order to provide adequate and effective service to minors.

Adopted June 30, 1972, by the ALA Council; amended July 1, 1981; July 3, 1991; June 30, 2004; July 2, 2008 *under previous name* "Free Access to Libraries for Minors"; July 1, 2014; and June 25, 2019.

Retrieved 2/14/23 from <https://www.ala.org/advocacy/intfreedom/librarybill/interpretations/minors>.

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<sup>5</sup> "[Rating Systems: An Interpretation of the Library Bill of Rights](#)," adopted on June 30, 2015, by ALA Council; amended June 25, 2019.

## POLITICS IN AMERICAN LIBRARIES: AN INTERPRETATION OF THE LIBRARY BILL OF RIGHTS

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The First Amendment to the United States Constitution states that “Congress shall make no law . . . abridging the freedom of speech, or of the press...” The Library Bill of Rights specifically states that “all people” and “all points of view” should be included in library materials and information. There are no limiting qualifiers for viewpoint, origin, or politics. Thus there is no justification for the exclusion of opinions deemed to be unpopular or offensive by some segments of society no matter how vocal or influential their opponents may be at any particular time in any particular place.

Associate Justice William J. Brennan, Jr. observed in *New York Times Co. v. Sullivan*, 376 U.S. 254 (1964), “[There exists a] profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials.”

Therefore, libraries should collect, maintain, and provide access to as wide a selection of materials, reflecting as wide a diversity of views on political topics as possible, within their budgetary constraints and local community needs. A balanced collection need not and cannot contain an equal number of resources representing every possible viewpoint on every issue. A balanced collection should include the variety of views that surround any given issue.<sup>6</sup>

If a library has designated a space for community use, it must make that space available to all community organizations and groups regardless of their views or affiliations.<sup>7</sup> Libraries should rely on appropriate time, place, and manner regulations to guarantee equitable access and to avoid misuse of library space. These may include regulations governing the frequency and length of meetings and

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<sup>6</sup> “[Diverse Collections: An Interpretation of the Library Bill of Rights](#),” Adopted July 14, 1982, by the ALA Council; amended January 10, 1990; July 2, 2008; July 1, 2014 *under previous name* “Diversity in Collection Development”; and June 25, 2019.

<sup>7</sup> “[Meeting Rooms: An Interpretation of the Library Bill of Rights](#),” Adopted July 2, 1991, by the ALA Council; amended June 26, 2018; amended version rescinded August 16, 2018; amended January 29, 2019.

penalties on disruptive behavior.<sup>8</sup> Libraries should establish similar regulations if they make library space available for public exhibits or the public distribution of literature.<sup>9</sup>

The robust exchange of ideas and opinions is fundamental to a healthy democracy. Providing free, unfettered access to those ideas and opinions is an essential characteristic of American libraries. Therefore, libraries should encourage political discourse as part of civic engagement in forums designated for that purpose. Libraries should not ignore or avoid political discourse for fear of causing offense or provoking controversy.

Special limitations may apply to workplace speech (including political advocacy) by library employees.<sup>10</sup> When libraries are used as polling places, state statute or local ordinance may mandate temporary time, place, and manner restrictions on the political expression of members of the public, poll workers, and library employees while polling places are open.

This interpretation is most clearly applicable to public libraries. School, academic, and private libraries, including those associated with religious institutions, should apply these guidelines as befits or conforms to their institutional mission.

Endorsed by the ACRL Professional Values Committee in June 2017. Adopted June 27, 2017, by the ALA Council.

Retrieved 2/14/23 from <https://www.ala.org/advocacy/intfreedom/librarybill/interpretations/politics>.

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<sup>8</sup> "[Guidelines for the Development of Policies and Procedures Regarding User Behavior and Library Usage](#)," Adopted January 24, 1993, by the Intellectual Freedom Committee; revised November 17, 2000; revised January 19, 2005; and March 29, 2014.

<sup>9</sup> "[User-Initiated Exhibits, Displays, and Bulletin Boards: An Interpretation of the Library Bill of Rights](#)," Adopted July 2, 1991, by the ALA Council; amended June 30, 2004, July 1, 2014 *under previous name* "Exhibit Spaces and Bulletin Boards"; and June 25, 2019.

<sup>10</sup> "[Speech in the Workplace Q&A](#)," Adopted by the Committee on Professional Ethics, July 2001; amended January 2004; June 26, 2006; January 24, 2007; July 1, 2014; and April 30, 2019.

## MEETING ROOMS: AN INTERPRETATION OF THE LIBRARY BILL OF RIGHTS

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Many libraries provide meeting rooms and other spaces designated for use by the public for meetings and other events as a service to their communities. Article VI of the *Library Bill of Rights* states, “Libraries which make ... 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.” Libraries do not advocate for or endorse the viewpoints expressed in meetings by meeting room users, just as they do not endorse the viewpoints of works in their collections. The presence and activities of some groups in public spaces, while constitutionally protected, can cause fear and discomfort in some library users and staff. Libraries should adopt and enforce user behavior policies that protect library users and staff from harassment while maintaining their historic support for the freedom of speech.<sup>11</sup> This interpretation provides general guidelines regarding meeting rooms and other spaces for public gatherings, and it does not constitute legal advice.

Publicly funded libraries are not obligated to provide meeting room space to the public. If libraries choose to do so, such spaces are considered designated public forums<sup>12</sup>, and legal precedent holds that libraries may not exclude any group based on the subject matter to be discussed or the ideas for which the group advocates.<sup>13, 14</sup> However, if a group's actions during a meeting disrupt or harass others in the library, library policies regarding acceptable behavior may apply. If libraries adopt policies that are perceived to restrict potentially controversial groups' access to meeting rooms, they may face legal and financial consequences. Allowing religious groups to use library meeting rooms and spaces does not constitute a breach of the First Amendment's Establishment Clause.<sup>15</sup>

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<sup>11</sup> “[Resolution on Libraries as Responsible Spaces](#),” Committee on Diversity, adopted June 26, 2017 by the ALA Council.

<sup>12</sup> [Concerned Women for America v. Lafayette County](#), 883 F.2d 32 (5th Cir. 1989).

<sup>13</sup> *Hale v. Schaumburg Township District Library*, et al., 01-cv-2220 (N.D. Ill. 2001); *Hale, et al., v. Schell and the Martin Library Board of Directors*, 1:02-cv-1156 (M.D. Pa. 2002).

<sup>14</sup> “[White Supremacist Wins Library Venue in Schaumburg](#),” American Libraries Magazine, August 20, 2001; “[White Supremacists to Meet after Library Changes Policy](#),” Library Journal staff, Library Journal, November 25, 2002.

<sup>15</sup> [Concerned Women for America v. Lafayette County](#), 883 F.2d 32 (5th Cir. 1989).

Libraries offering meeting rooms and spaces should develop and publish policies governing use after consultation with legal counsel. These policies should properly define time, place, or manner of use; such restrictions should not pertain to the content of a meeting or to the beliefs or affiliations of the sponsors. Policies should be regularly reviewed with staff and made available to the public in all of the commonly used languages within the community served.

Libraries should write policies in inclusive rather than exclusive terms. A policy that the library's facilities are open "to organizations engaged in educational, cultural, intellectual, charitable, advocacy, civic, religious, or political activities" is an inclusive statement of the limited uses of the facilities. For example, if a library allows charities and sports clubs to discuss their activities in library meeting rooms, then the library should not exclude partisan political or religious groups from discussing their activities in the same facilities. If a library opens its meeting rooms to a wide variety of civic organizations, then the library may not deny access to a religious organization.

Written policies may also include limitations on frequency of use and require adherence to the library's behavior policy.<sup>16</sup> The meeting room policy should also state whether meetings held in library spaces must be open to the public or if the library allows private events. Libraries may choose to offer space for public or private events unless restricted by state or local laws. The same standards and policies should apply to all meeting room uses. Library users should have a process through which they may appeal the denial of meeting room use.

If meeting rooms and spaces are open to the public, libraries should include a section in their policy that addresses fees. Charging fees does not change the status of meeting rooms and spaces as designated public forums. Library governing bodies that decide to charge fees for use of library spaces should consider local and state laws, the ALA's *Code of Ethics*, and the *Library Bill of Rights*. Charging fees for the use of library meeting rooms or facilities may abridge or deny access for some community members.<sup>17</sup>

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<sup>16</sup> "[Guidelines for the Development of Policies and Procedures Regarding User Behavior and Library Usage](#)," adopted January 24, 1993 by the Intellectual Freedom Committee; revised November 17, 2000; January 19, 2005; and March 29, 2014.

<sup>17</sup> "[Economic Barriers to Information Access: An Interpretation of the Library Bill of Rights](#)," adopted June 30, 1993, by the ALA Council and amended June 25, 2019.

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.” This applies with equal force to the library’s meeting rooms and spaces designated for public use as it does to the library’s collections and services.

Adopted July 2, 1991, by the ALA Council; amended June 26, 2018; amended version rescinded August 16, 2018; amended January 29, 2019.

Retrieved 2/14/23 from

<https://www.ala.org/advocacy/intfreedom/librarybill/interpretations/meetingrooms>.



## **LABELING SYSTEMS: AN INTERPRETATION OF THE LIBRARY BILL OF RIGHTS**

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The American Library Association affirms the rights of individuals to form their own opinions about resources they choose to read, view, listen to, or otherwise access. Libraries do not advocate the ideas found in their collections or in resources accessible through the library. The presence of books and other resources in a library does not indicate endorsement of their contents by the library. Likewise, providing access to digital information does not indicate endorsement or approval of that information by the library. Labeling systems present distinct challenges to these intellectual freedom principles.

Labels may be a library-sanctioned means of organizing resources or providing guidance to users. They may be as simple as a colored dot or strip of tape indicating reference books or fiction or as elaborate as the Dewey Decimal or Library of Congress call number systems.

Labels as viewpoint-neutral directional aids are intended to facilitate access by making it easier for users to locate resources. Users may choose to consult or ignore the directional aids at their own discretion. Viewpoint-neutral directional labels are a convenience designed to save time. These are different in intent from attempts to prejudice, discourage, or encourage users to access particular library resources or to restrict access to library resources. Labeling as an attempt to prejudice attitudes is a censor's tool. The American Library Association opposes labeling as a means of predisposing people's attitudes toward library resources.

Prejudicial labels are designed to restrict access, based on a value judgment that the content, language, or themes of the resource, or the background or views of the creator(s) of the resource, render it inappropriate or offensive for all or certain groups of users. The prejudicial label is used to warn, discourage, or prohibit users or certain groups of users from accessing the resource. Such labels sometimes are used to place materials in restricted locations where access depends on staff intervention.

Directional aids can also have the effect of prejudicial labels when their implementation becomes proscriptive rather than descriptive. When directional aids are used to forbid access or to suggest moral or doctrinal endorsement, the effect is the same as prejudicial labeling. Even well-intentioned labels may have this effect.

Prejudicial labeling systems assume that the libraries have the institutional wisdom to determine what is appropriate or inappropriate for its users to access. They presuppose that individuals must be directed in making up their minds about the ideas they examine. The American Library Association opposes the use of prejudicial labeling systems and affirms the rights of individuals to form their own opinions about resources they choose to read, view, listen to, or otherwise access.

Adopted on June 30, 2015, by ALA Council.

Retrieved 2/13/2023 from

<https://www.ala.org/advocacy/intfreedom/librarybill/interpretation/labeling-systems>.

## MATERIALS RECONSIDERATION: COMPENDIUM OF SELECTED LIBRARY CASES

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### **1. *Reno v. American Civil Liberties Union*, 521 U.S. 844 (1997)**

Passed into law as part of the Telecommunications Act of 1996, the Communications Decency Act (CDA) contained anti-indecency provisions which formed the basis for this case. The CDA made it a criminal act to (among other things) knowingly use a computer to send a minor images, requests, comments, or suggestions of a sexual nature and also criminalized transmitting “obscene or indecent” material to people known to be minors.

The ACLU sued the federal government, arguing that the CDA restricted the First Amendment rights of adults to access speech and material online. The Supreme Court agreed, finding that the CDA violated the First Amendment because it was overly broad and therefore abridged protected speech (*Reno* at 874). The Court further noted that “in the absence of evidence to the contrary, we presume that governmental regulation of the content of speech is more likely to interfere with the free exchange of ideas than to encourage it” (*Id.* at 885).

### **2. *Kreimer v. Bureau of Police of the Town of Morristown*, 958 F.2d 1242 (3d Cir. 1992).**

Richard Kreimer was a homeless man who frequently entered his local library and disrupted patrons and staff by staring at and following them, as well as emitting a smell which drove others away. Eventually, the library instituted rules designed to prevent him from accessing the library. He sued, arguing that the library rules violated his Constitutional rights.

While Mr. Kreimer ultimately lost at the Third Circuit Court of Appeals, the opinion noted that he had a constitutional right to receive information and determined that a public library is a ‘designated public forum’ (*Kreimer* at 1259). Such a categorization means that any library restrictions relating to speech and other forms of expression must be content-neutral, narrowly tailored, and involve a significant government interest (*Kreimer* at 1255), while restrictions on non-speech in a public forum must be merely ‘reasonable’ (*Id.* at 1262, citing *U.S. v. Kokinda*, 497 U.S. 3115, 3121 (1990) (internal citations omitted)).

### **3. *Minarcini v. Strongsville City School District*, 541 F.2d 577 (6th Cir. 1976).**

A group of students sued their local school district after the district order that *Catch 22* and *Cat’s Cradle* be removed from the school library. While the Sixth Circuit said that a school district may make

decisions regarding the books to be used in educational curriculum (*Minarcini* at 579-80), they also ruled that removal of the books from the library was unconstitutional (*Id.* at 582-83). In addition to referring to the library as “a storehouse of knowledge” (*Id.* at 581), the Sixth Circuit cited the then-recent Supreme Court case of *Virginia State Board of Pharmacy v. Virginia Citizens Consumers Council, Inc.*, for the proposition (supported by numerous prior cases) that the First Amendment includes the right to receive information (425 U.S. 748, 756 (1976)).

**4. *Erznoznik v. City of Jacksonville*, 422 U.S. 205 (1975).**

Jacksonville passed an ordinance banning drive-in movies from being shown if they contained nudity. The manager of a drive-in theater sued after he was charged with violating the ordinance after showing an R-rated movie.

The Supreme Court struck down the law, noting that the First Amendment limits the government’s ability to stifle access to some speech while allowing other speech, and that such restrictions are not allowed when the potentially offended person can easily avoid the speech (*Erznoznik* at 209). The Court noted that the effect of the law was to prevent theaters from showing movies containing any nudity, regardless of whether the films were educational, entertaining, or innocent (*Id.* at 212), and further noted that any restrictions on children’s access must be more tailored than Jacksonville’s ordinance (*Id.* at 212-13).

**5. *Miller v. California*, 413 U.S. 15 (1973).**

Marvin Miller appealed his conviction for sending pornographic material through the mail. The Supreme Court noted that regulating expression was inherently fraught and that any statutes attempting to do so must be “carefully limited” (*Miller* at 23-24). After examining prior cases addressing obscenity statutes, the Court published its three-part test,<sup>18</sup> now known as the *Miller Test*, for determining whether a state can ban some type of media as obscene (*Id.* at 39).

**6. *Case v. Unified Dist. No. 233*, 908 F.Supp. 864 (D.Kansas 1995).**

After a Kansas school board removed a book containing a romantic relationship involving two teenage girls from local schools’ libraries, students sued the district, arguing that the removal violated their First Amendment rights to access the material. After applying the test found in *Pico* (namely,

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<sup>18</sup> See the appendix to this document, “Materials Reconsideration: Standard of Review.”

whether the actual motivation for removing the book was the school board members' personal animus toward the ideas contained in the book), the court found that the school board "intended to deny students... access to these ideas" (*Case* at 875-76). The court disallowed the school board from removing the book from the libraries.

**7. *Pratt v. Independent School Dist. No. 18, Forest Lake, Minn.*, 670 F.2d 771 (8th Cir. 1982)**

A school district included in its high school curriculum a movie (and its associated "trailer" version of the movie) about a fictional small town which randomly selected one person to be stoned to death annually. After the local population complained about the movie, arguing against its violence and that it existed to undermine family values and religious attitudes, the school board voted to remove the movie from the curriculum. Several students then brought suit against the decision on First Amendment grounds.

The district court determined that the removal was based on objections to the "ideological content" of the movie and was therefore improper under the First Amendment (*Pratt* at 773). The school district appealed to the Eleventh Circuit, which affirmed the district court's ruling while stating that the school board "cannot constitutionally ban the films because a majority of its members object to the films' religious and ideological content and wish to prevent the ideas contained in the material from being expressed in the school" (*Id*).

**8. *Fayetteville Public Library v. Crawford County, Arkansas*, 684 F.Supp.3d 879 (W.D. Ark. 2023).**

The state of Arkansas passed a law which provided criminal penalties for the new crime of "furnishing a harmful item to a minor," with the term "harmful to minors" defined in part by using the three-part *Miller* test. The law also contained a provision under which challenged books could be withdrawn from a library after they were "challenged for appropriateness." The statute did not define "appropriateness."

Librarians, booksellers, and others sued to stop the law from going into effect, arguing that the law was vague, infringing on the First Amendment right to access speech, and would have the effect of either forcing all books out of children's sections or would prompt bookstores to bar entry to minors.

The district court agreed and prevented the law from going into effect, ruling that the provision to withdraw material from library shelves would easily involve content-based restrictions on allowed

speech (*Fayetteville Public Library* at 907), and noting that content-based laws are presumed to be unconstitutional unless they are both narrowly tailored and the government can show such a law serves a compelling state interest (*Id.* at 908). The law here was neither.

**9. *Gay Guardian Newspaper v. Ochopee Regional Library System*, 235 F.Supp.2d 1362 (S.D. Georgia 2002).**

A library had a free literature table in the lobby, on which a gay-rights advocacy newspaper was provided. After complaints from patrons regarding the newspaper's inclusion, the library closed the free literature table entirely, and the publisher of the newspaper then sued on First Amendment grounds. While all involved agreed that only censoring access to the newspaper would violate the Constitution, the court ruled that the wholesale closure of the free literature table amounted to a content-neutral restriction of the forum itself (i.e. the table) and therefore did not violate the First Amendment (*Gay Guardian Newspaper* at 1368).

The court quotes *American Library Ass'n v. U.S.* when it notes that "generally[,] the First Amendment subjects libraries' content-based decisions about which print materials to acquire for their collections to only rational review. In making these decisions, public libraries are generally free to adopt collection development criteria that reflect not simply patrons' demand for certain material, but also the library's evaluation of the material's quality" (201 F.Supp.2d 401, 462 (E.D.Pa. 2002)).

**10. *Island Trees Sch. Dist. v. Pico*, 457 U.S. 853, 872 (1982).**

A school board removed numerous books from school libraries and overruled a committee it had created which recommended the reinstatement of several of the books. A group of students in the district then sued, arguing that their First Amendment rights had been violated by preventing them from accessing the books.

The Supreme Court split on the outcome of the case. Four justices said that the removal violated the First Amendment, four said it did not, and one justice wrote that, for procedural reasons, evaluating the First Amendment question was unnecessary. The four justices who deemed the removal a constitutional violation wrote that, "[l]ocal school boards may not remove books from school libraries simply because they dislike the ideas contained in those books and seek by their removal to 'prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion'" (*Pico* at 854, quoting *W. Va. Board of Ed. v. Barnette*, 319 U.S. 624, 642 (1943)).

**11. *ACLU of Florida v. Miami-Dade County School Bd.*, 557 F.3d 1177, 1202 (11th Cir. 2009).**

After a parent complained that a school library book about Cuba was factually inaccurate and it was removed, another parent sued the local school board on behalf of his son. The School Board argued that they removed the book not because they disliked the ideas in the book (See *Pico*), but because the book was clearly inaccurate. The Eleventh Circuit ruled that the book could be removed because it contained numerous factual inaccuracies and misleading omissions, stating, “[t]here is no constitutional right to have books containing misstatements of objective facts shelved in a school library” (*ACLU of Florida* at 1202).

**12. *Sund v. City of Wichita Falls, Texas*, 121 F. Supp. 2d 530, 547 (N.D. Texas, 2000).**

A local reverend spearheaded a campaign to remove two children’s books from the local library in Wichita Falls. Both books depicted children with same-sex parents. In response to community pressure, the City Council passed a resolution which mandated that a book be removed from the children’s section and placed elsewhere if 300 or more library card holders signed a petition to that effect.

The court ruled that the resolution violated the First Amendment, stating that it “burden[ed] fully-protected speech on the basis of content and viewpoint and they therefore cannot stand” (*Sund* at 547). The court pointed to *Reno v. ACLU* and *Board of Education v. Pico* in noting that the First Amendment protects the right of both children and adults to receive information (*Id.*), and pointed out that, under *Pico*, government officials cannot remove books from the library simply because the books contain ideas or concepts they dislike (*Id.* at 548, quoting *Pico* at 872).

## MATERIALS RECONSIDERATION: STANDARD OF REVIEW

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In considering whether a given item should remain in the library's collection, the Library Advisory Board is guided by the following legal precedents, as of March 18, 2025.

1. The First Amendment to the United States Constitution protects the right to receive information, a right vigorously enforced in the context of public libraries. *Reno v. American Civil Liberties Union*, 521 U.S. 844 (1997), and *Kreimer v. Bureau of Police*, 958 F.2d 1242, 1255 (3d Cir. 1992), *Minarcini v. Strongsville City School District*, 541 F.2d 577 (6th Cir. 1976).
2. Speech that is neither obscene as to youths nor subject to some other legitimate prohibition cannot be suppressed by the Library solely to protect the young from ideas or images. *Erznoznik v. City of Jacksonville*, 422 U.S. 205, 213 (1975).
3. The standard for determining whether a book is inappropriate involves evaluating whether the content is obscene. Obscenity is defined in *Miller v. California*, 413 U.S. 15, 39 (1973). Under this test, material is considered obscene if:
  - (a) whether the average person applying contemporary community standards would find the work, taken as a whole, appeals to the prurient interest (an improper appeal to a sexual desire).
  - (b) whether the work depicts or describes, in an offensive way, sexual conduct specifically defined by the applicable state law; and
  - (c) whether the work, taken as a whole, lacks serious literary, artistic, political or scientific value.
4. This means that for a book to be banned on legal grounds, there must be a solid, objective reason for banning it. This reason must be grounded in these obscenity standards. Subjective disagreements over ideology or content (viewpoint discrimination) do not provide legal justification for the banning of books. In other words, government regulation of speech must be viewpoint neutral. The removal of content that favors one viewpoint is therefore unconstitutional. *Case v. Unified Dist. No. 233*, 908 F.Supp. 864, 875-76 (D.Kansas 1995), *Pratt v. Independent School Dist. No. 18, Forest Lake, Minn.*, 670 F.2d 771, 776-77 (8<sup>th</sup> Cir. 1982), and *Fayetteville Public Library v. Crawford County, Arkansas*, 684 F.Supp.3d 879, 906 (W.D. Ark.



2023); See *Gay Guardian Newspaper v. Ohoopee Regional Library System*, 235 F.Supp.2d 1362, 1379 (S.D. Georgia 2002).

5. Neither the Library Director nor the Library Advisory Board is permitted to remove material simply due to dislike of the ideas contained in the material. Neither the Director nor the Board may remove materials in order to “prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion.” *Island Trees Sch. Dist. v. Pico*, 457 U.S. 853, 872 (1982), quoting *W. Va. Board of Ed. v. Barnette*, 319 U.S. 624, 642 (1943). However, material may be removed if it contains plainly inaccurate or misleading information. *ACLU of Florida v. Miami-Dade County School Bd.*, 557 F.3d 1177, 1202 (11<sup>th</sup> Cir. 2009).
6. Limiting access to material rather than removing it from the library also impacts the First Amendment, since such restriction burdens the First Amendment right to receive information, particularly when such restriction is overly broad or based upon viewpoint discrimination. *Turner Broadcasting, Inc. v. FCC*, 512 U.S. 622 (1994), and *Sund v. City of Wichita Falls, Texas*, 121 F. Supp. 2d 530 (N.D. Texas, 2000).