

Reconsideration Procedure

Valley City Barnes County Public Library

Adopted Sept. 2013 Reviewed April 2018, April 2021, Feb. 2023,
Revised & Approved Nov. 2023

Intellectual Freedom

The Valley City Barnes County Public Library is committed to the principles of intellectual freedom and affirms the American Library Association's Freedom to Read statement [Appendix] and the Library Bill of Rights [Appendix]. As such, materials representing diverse viewpoints on topics, including controversial ones, are actively collected. Selection of an item does not indicate that the Library, its Board, or its Staff agrees with the ideas and viewpoints it presents.

Reconsideration Requests

When a complaint about library items is made, the following steps will be followed:

1. Informal:
 - a. The consideration will be listened to calmly and courteously.
 - b. The library's selection policy and commitment to intellectual freedom will be explained, to help the patron understand the value of a diverse library collection and that ownership of an item does not indicate agreement or endorsement of the ideas, values, or principles expressed therein. This will be done respectfully and in a fashion that acknowledges and restates the patron's concerns.
 - c. If the patron has recommendations for other materials on the topic, they will be noted, and if appropriate, procured.
 - d. If the patron is not satisfied, advise the patron of the library's policy and procedures for handling a reconsideration request, and provide the patron with a copy of the Library's Selection Policy and of the Request for Reconsideration Form.
2. Formal:
 - a. Reconsideration requests are submitted to the Director.
 - b. The Director informs the Library Board of the complaint and assures them that the library's procedures are being followed.
 - c. The information of the item under reconsideration including the title, authors and nature of the complaint will be shared with the Library Board so board members can research the book if they choose. The personal information of the patron requesting the reconsideration will remain confidential.

- d. The Director notifies the Chairperson of the North Dakota Library Association's Intellectual Freedom Committee that a reconsideration request has been filed.
 - e. The Director and staff involved in collection development shall review the request for reconsideration. This includes:
 - i. Reading/viewing/listening to the challenged item in its entirety.
 - ii. Considering the objections in terms of the Library's Selection Policy, the principles of the Library Bill of Rights, and the opinions of various reviewing sources used in materials selection.
 - iii. The library will employ the Miller Test to determine obscenity.
 - 1. whether the average person applying contemporary community standards would find the work, taken as a whole, appeals to the prurient interest
 - 2. whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law; and
 - 3. whether the work, taken as a whole, lacks serious literary, artistic, political or scientific value.
 - f. If the reviewed material does not meet the criteria set forth in the Selection Policy, the library shall acknowledge that the material is unsuitable, and it will be withdrawn from the collection.
 - g. If the material does meet the selection criteria, the item shall remain part of the collection.
 - h. The Director will respond to the request clearly and precisely, stating the reasons the material was withdrawn or retained.
 - i. A written response will be sent to the requestor by certified mail and this response will also inform the requestor how to pursue the matter further.
 - j. The item shall remain part of the collection until a decision has been made.
3. Appeal:
- a. If the requestor feels that the problem has been dealt with inadequately the requestor can ask for a public hearing in front of the library board.
 - b. The request needs to be submitted within 30 days of the receipt of the Director's response letter.
 - c. The request for a hearing needs to be submitted in writing (letter or email suffices) to the Library Director. The physical address and email address will be found on the response letter.
 - d. This meeting is open to the public and citizens are invited to speak using the procedure laid out below.

- e. The board will be acting as the decision-making body and issues a final opinion.
 - f. The Director will notify the American Library Association Intellectual Freedom Office, and their advice will be enlisted.
4. Hearing:
- a. The Library Director will schedule an open meeting with date, the location, and time. The meeting will be publicized in the newspaper, through social media, and other local news outlets.
 - b. The meeting will be conducted by the Director or Assistant Director.
 - c. The Library Board will act as the decision-making body. A quorum must be present.
 - d. News coverage will be arranged by the Director.
 - e. Persons wishing to speak must register prior to speaking, giving their name, address, and organization represented (if any).
 - f. Each speaker will be given four minutes in which to present his/her point of view. A timekeeper will be appointed prior to the meeting.
 - g. Library Board members will be given time to ask questions following each testimony.
 - h. Each speaker will submit a written copy of his/her testimony to each of the Library Board members.
 - i. Board members will review the testimonies heard and convene for a special board meeting within two weeks of the hearing and make a decision to remove an item from the collection, move an item to a different place in the collection, or keep the item in the collection. A quorum needs to be present at the special meeting. When the vote is a draw, the item stays where it is.
 - j. The Board will issue its opinion within 14 working days after the hearing and will make their decision public and the library will act in accordance with that decision.
 - k. Once the board issues its opinion, requests for reconsideration for the particular item challenged will no longer be accepted.