Preparing for Program Challenges at your Public Library

Sukrit Goswami & Amanda Vazquez

PROGRAMMING
Librarian
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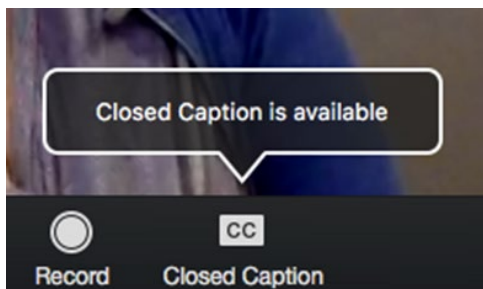
Welcome and Announcements

- Today's webinar is a presentation of ALA's Public Programs Office, with support from ALA's Cultural Communities Fund (www.ala.org/CCF)

- Visit www.programminglibrarian.org for more online learning sessions, programs ideas and grant announcements

About the Classroom

Audio & Video

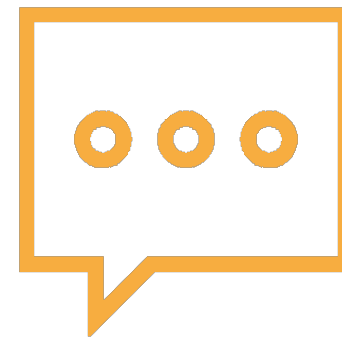Only our presenters have microphone and video access.

Closed Captions

In the meeting controls toolbar, click the **Show Captions** icon.

Questions?

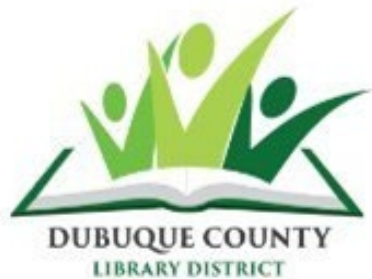Add them to the Q&A! There will be time at the end for questions.

Tech Issues?

Send a message through Q&A. ALA PPO Staff will assist you.

Today's Presenters

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Preview

- Programming Challenge Landscape

- Challenge Trends

- The Challenge Process and how it differs

- Recommended Policy and Procedure Changes

- Sample Toolkit

Challenge Landscape

Books and Beyond

Books are not the sole target of attacks orchestrated by conservative parent groups and right-wing media. Both school and public librarians are increasingly in the crosshairs of conservative groups during book challenges and subject to defamatory name-calling, online harassment, social media attacks, and doxxing, as well as direct threats to their safety, their employment, and their very liberty.
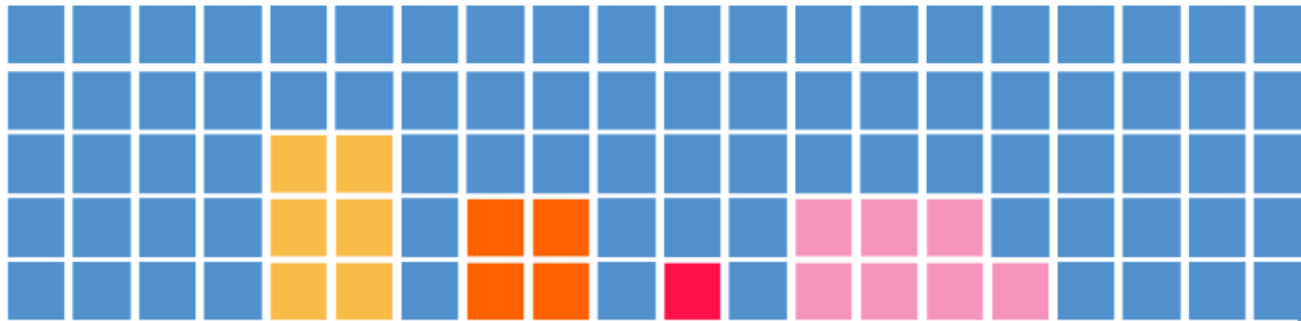
82%	6%	4%	1%	7%
Books, graphic novels, and textbooks	Displays and exhibits	Programs and meeting rooms	Films	Other (Includes filtering, access, databases, magazines, online resources, artwork, social media, music, pamphlets, student publications, and reading lists)

Challenge Landscape, cont.

	Total	% LGBTQIA+
2013	**1**	0%
2014	**1**	0%
2015	**0**	0%
2016	**0**	0%
2017	**18**	39%
2018	**32**	75%
2019	**69**	84%
2020	**15**	60%
2021	**27**	52%
2022	**42**	81%

Public Library Program Challenges

Y-axis: Challeges Reports to OIF (0 to 70)

X-axis: 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022

Legend: ■ Other ■ LGBTQIA+
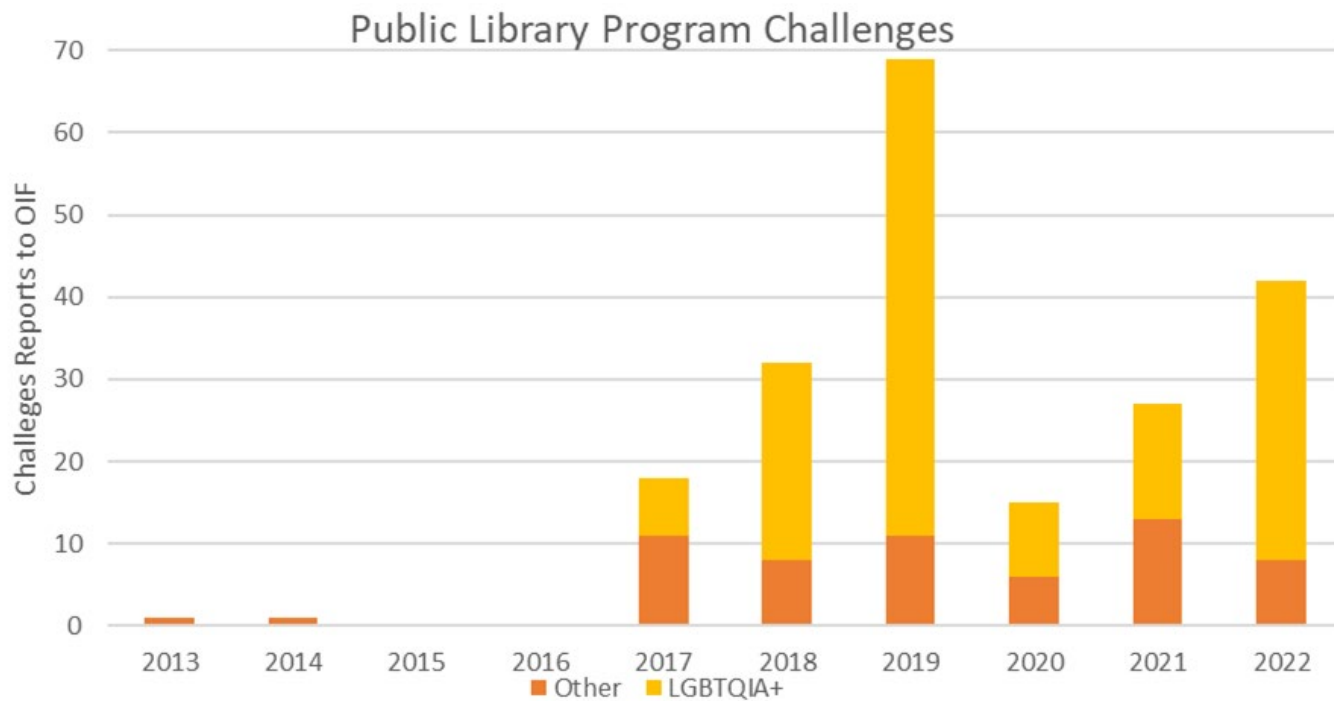
Challenge Landscape, cont.

- In 2022, OIF tracked 42 challenges to public library programs

  - 18 Drag Queen Story Times
  - 16 additional LGBTQIA+ programs were challenged
  - 3 challenges on grounds of Occult/Satanism (2 programs involving tarot, one on modern witchcraft)
  - 2 EDI programs challenged (anti-racism workshop and a screening of Dear White People)
  - 1 Banned Books Week program challenged

- Most challenges go unreported

- Report to ALA's Office for Intellectual Freedom and your state association

Why Challenges

- Sincerely held religious and personal belief

- Misunderstanding Critical Race Theory

- Misinformation or Disagreements on what is "truth"

- Concerns over accurate representation

- Concern about safety of attendees

- Reaction to current events

- To protect others, frequently children, from difficult ideas and information

What is Challenged

- LGBTQIA+ Events
  - Drag Queen Storytime
  - Drag Camp
- Book Clubs - Title Selection
- Nerf Battles in wake of school shootings
- Guest speakers, generally conservative, at academic institutions

Professional Ethics

- 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.

- We uphold the principles of intellectual freedom and **resist all efforts to censor library resources.**

- 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.

Challenge Process

- Process should be laid out in policy approved by Library Board of Trustees
- Common process:
  - Patron raises concern to staff, is directed to
  - A conversation with manager or director
  - If still unsatisified, provided with Request for Reconsideration form. Once submitted,
  - Report to ALA's Office for Intellectual Freedom and your state IFC
  - Committee is formed to consider their submission
    - Read/View item challenged item or plans for program
    - Review applicable policies—Request for Reconsideration, Collection Development, Programs, Displays, etc.
    - Committee makes recommendation to director or board
  - Director or Library Board makes decision and informs complainant
  - If unsatisified by director's decision, may appeal to Library Board

Challenge Process

- Try to follow existing policy– deviations from policy can create legal liabilities

- Request for Reconsideration or Statement of Concern separate from Collection Development Policy

- Recommend conversation with staff before escalating to formal challenge

- Can follow standard procedure of conversation with patron, committee consideration and recommendation, director decision, board appeal

- Continue to hold and schedule as usual to prevent self-censorship

Challenge Process, cont.

- Differences from material challenges
  - Time-sensitive
    - Decision making by library staff and administration
    - Special board meeting may be required
  - Physical safety of staff, attendees, and performers
  - Personal to staff, organizers
    - Names of staff and organizations involved often published

What to do

- Policies and Procedures

  - Unified message by single spokesperson for board and/or staff

- Staff Training

- Trustee Training

- Government Officials Messaging

- Community Messaging

Know the Law

- [Notable First Amendment Court Cases Page on ALA Website](#)

- [Interpretations of the Library Bill of Rights](#)

  - [Library-Initiated Programs and Displays as a Resource](#)

  - [Access to Library Resources and Services for Minors](#)

- Transferrable when making decisions about programs as well. Should be content neutral.

- [Not Censorship, But Selection](#)

Programs Policy

- Like a collection development policy for programs

- How programs are selected

- Community partners- how chosen, responsibilities

- Statement of Intellectual Freedom

- Costs to attend or for supplies

- Separate Reconsideration Policy

CONTENT

The Library's goal in programming is to connect members of our community with a wide variety of ideas and perspectives.

The Library is not obligated to represent multiple and/or opposing viewpoints within any one program or series. The Library welcomes the opportunity for other viewpoints to be represented in a separate program or series.

Presentation of a program does not constitute the Library's endorsement of the content or views expressed by participants.

Example Program Policies

- [Dubuque County Library District](#)

- [Highland Park Public Library](#)

- [Kalamazoo Public Library](#)

- [Ames Public Library](#)

Request for Reconsideration

versus

Statement of Concern

Change the Form

What are you reporting? *

Select all that apply.

☐ Materials Challenge (books, movies, magazines, digital content)

☐ Internet-Related Challenge (filtering, access, use policies)

☐ Library Service (meeting rooms, programs, displays, exhibits, author visits)

☐ Patron Privacy or Confidentiality Issue (circ. records, PII)

☐ Hate Crime (defacement of library property to target a specific group; use...

☐ Threats or Harassment to Staff (online, by phone, by email, or in-person)

☐ Legislative Concerns (including executive orders and A.G. opinions)

☐ Other (including 1st Amendment audits and student publications)

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Restricting Challenges

- Who can challenge

  - Library Card Holders

  - Residents of Service Area

- When can they challenge

  - Time limit on a repeat challenge

  - After revision of applicable policy

- Identical challenges considered together, or if arguments made at a later date are not substantially different than those acted on by the board before, the board can decline to reconsider

Staff Training

- Staff Training

  - At least annually

  - Be Proactive

  - Examples
    - Service desk scenarios (MLA IFC Slide Decks 1, 2, 3, & 4)

    - Intellectual Freedom and Privacy basics

    - Programs Policies, Spokesperson Procedures

- Issues to watch for:

  - Staff who guerilla censor– even unintentionally

  - Differences in interpretation of policy, ethics, or sense of responsibility

Trustee Training

- United for Libraries

- State Webinars and Consultants

- Local Laws and Library Policies

- What is the role of staff vs the role of trustees

- Public Meetings

  - Check State Law for regulation of Public Comment

  - Likely that rules for public comment can be changed at the meeting

- Issues to watch for:

  - Trustees who do not understand or disagree with policy and professional ethics

  - Trustees who misunderstand or overstep their role

External Communications

- Government Officials

  - Build a relationship now, don't wait until there is a challenge

  - Let them know about the variety of programs and services you provide

  - Stress that you are serving *all* their constituents

- Community Messaging

  - Be proactive in sharing the library's inclusive service model

  - Census data shows diversity

  - Advertise programs of all types

Sample Challenge Toolkit   PDF

- Applicable federal laws
  - [First Amendment](#)
  - [Fourth Amendment](#)
- Your state laws
  - state law library can help
- [Selection & Reconsideration Policy Toolkit for Public, School, & Academic Libraries](#)
- [How to Respond to Challenges and Concerns about Library Policy](#)
- [Responding to and Preparing for Controversial Programs and Speakers Q&A](#)
- [What Happened in Kansas City: Free Speech, Library Programs and the Law](#)
- Intellectual Freedom Manual 10th ed: Censorship Beyond Books pp. 108-110
- ALA Resources:
  - [Code of Ethics and Interpretations](#)
  - [Freedom to Read Statement](#) and [Freedom to View Statement](#)
  - [Library Bill of Rights](#) and [Interpretations](#)

- Example policies
- Staff Training resources
- Trustee Training
- Community Messaging Inspiration
- Challenge Reporting
  - [ALA Form](#)
  - State Form
- Important Contacts
  - State library consultant
  - State Law Librarian
  - State/Regional Library Association
  - Intellectual Freedom Committee Chair
  - City/County Attorney
  - Independent Legal Counsel
  - 1st Amendment lawyer in your state
  - State ACLU contact

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Policy Review Checklist

- You might consider:
    - Not having reconsideration form on your website- require a conversation with dept. head or administrator first
    - Statement of Concern instead of Request for Reconsideration
    - Adopting ALA Statements as guiding documents
    - Residency requirements for challenges
    - Time limits before item can be challenged again
    - Outside library professionals on reconsideration committee

Things to do next week

- Find a First Amendment Attorney

- Send your Intellectual Freedom training resources to your trustees

  - [Prepared for Pride Month: A Conversation ALA ELearning](#) : June 6

- Review your current program policy or research examples in your state

- Introduce yourself to your elected officials

  - Get them on your mailing lists

The Merritt Fund

The LeRoy C. Merritt Humanitarian Fund is devoted to the support, maintenance, medical care, and welfare of librarians who, in the Trustees' opinion, are:

- Denied employment rights or discriminated against on the basis of gender, sexual orientation, race, color, creed, religion, age, disability, or place of national origin; or

- Denied employment rights because of defense of intellectual freedom; that is, threatened with loss of employment or discharged because of their stand for the cause of intellectual freedom, including promotion of freedom of the press, freedom of speech, the freedom of librarians to select items for their collections from all the world's written and recorded information, and defense of privacy rights.

Freedom to Read Foundation
FREE PEOPLE READ FREELY

The Freedom to Read Foundation was formed with the purposes of:

- Promoting and protecting the freedom of speech and of the press;
- Protecting the public's right of access to information and materials stored in the nation's libraries;
- Safeguarding libraries' right to disseminate all materials contained in their collections; and
- Supporting libraries and librarians in their defense of First Amendment rights by supplying them with legal counsel or the means to secure it.

The Foundation is devoted to the principle that the solution to offensive speech is more speech. And the suppression of speech, on the grounds that it gives offense to some, infringes on the rights of all to a free, open, and robust marketplace of ideas.
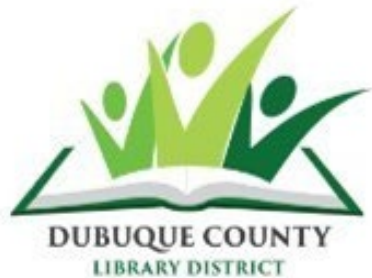
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Questions?

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Thank you!

Contact us at publicprograms@ala.org

Visit www.programminglibrarian.org for more online learning sessions, programs ideas and grant announcements