



Intellectual Freedom Health Screening

LAW

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- Public libraries are independent agencies that are part of municipal or county government.
- Public library staff members are local government employees who provide a public service and are the face of the government.
- The right to read and the right to view are not explicitly stated in the US Constitution, but are implied by the 1st Amendment's freedom of speech clause.
- A public library staff member who denies access to a magazine because it has violent and politically inflammatory language has violated the 1st Amendment's prohibition against making a law abridging speech.
- Obscene materials, like photographs that appeal to a prurient interest, may be unprotected speech based on community standards. However, librarians are ethically unable to determine whether materials are obscene because it requires a legal determination, which is the province of lawyers and judges.
- A publicly funded library could be sued under the Civil Rights Act for denying access to materials or to the library.
- New Jersey law requires that public libraries keep all patron records confidential.

POLICIES

- My library has adopted the *Library Bill of Rights*.
- My library has adopted *Code of Ethics* as a guiding principle.
- My library has posted the Library Bill of Rights and Code of Ethics posted in the library and/or website.

My library has written policies covering:

- Internet use
- Material Selection and Reconsideration
- User Behavior
- Meeting Rooms and Exhibit Spaces
- Privacy and Confidentiality

TRAINING AND AWARENESS

- My library provides regular training about intellectual freedom principles and the library's policies and procedures for staff, volunteers, and trustees.

RESOURCES AND SUPPORT

- My library has a qualified attorney we can call if faced with a subpoena or search warrant for library records.
- My library has a copy of the most recent ALA *Intellectual Freedom Manual*.
- I know that I can report a materials challenge at the NJLA or ALA website.
- I know whom to contact at ALA, NJLA, and my state association if I need assistance.

INTELLECTUAL FREEDOM ISSUES

- A minor may check out any type of materials at the library, including videos, music recordings, or costly items on their own library card.
- My library has a clear procedure to follow if a library user requests the removal of a resource.
- My library does not filter the Internet.
- If my library requires Internet filtering, my library has set the filter to the least restrictive setting so that only pictures are blocked, and we have a procedure that enables staff to quickly disable the filter upon request.
- My library does not exclude any group from its meeting rooms based on the subject matter to be discussed or the ideas that the group advocates.
- My library does not exclude religious organizations from using our meeting rooms.
- If a parent wants to know what books their child is reading, they must present the child's library card.
- If my friend's husband comes to the library to pick up her holds, and he has forgotten to bring her library card, our library's procedure forbids us from letting him know what books she has on hold, unless he has authorization noted on his or her account.
- If patrons pick up their own holds from an open shelf, my library protects patrons' identities by using pseudonyms, codes, or numbers and protects the item's identity by covering it in some manner.
- If a police officer asks if a patron has read a specific book, we don't share information without a court order.
- Our patron behavior rules are written, based on objective factors, and related to library use, rather than targeting "problem patrons" like the homeless or the mentally ill.
- My library does not restrict or classify materials based on their MPAA ratings (Rated PG or Rated R).

Adopted from materials provided by New England Library Association Intellectual Freedom Committee (October 2014)

Adopted from materials by the American Library Association: <http://www.ala.org/advocacy/intfreedom/librarybill/interpretations>

Modified by New Jersey Library Association Intellectual Freedom Subcommittee with permission (October 2015)