

INTELLECTUAL FREEDOM HANDBOOK

of the

OKLAHOMA LIBRARY ASSOCIATION

Revised April 2009

Prepared by the 1990-1991 OLA Intellectual Freedom Committee

Revised by the 1996-1997 OLA Intellectual Freedom Committee

Revised by the 2003-2004 OLA Intellectual Freedom Committee

Revised by the 2008-2009 OLA Intellectual Freedom Committee

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PREAMBLE TO THE OKLAHOMA LIBRARY ASSOCIATION INTELLECTUAL FREEDOM HANDBOOK

As the freedom to read is a natural outgrowth of the constitutional right of freedom of the press, it is an essential element of a democratic society. The right of all citizens to utilize whatever information they choose in the formation of opinions requires that freedom of access to information must be preserved.

It is the responsibility of libraries and librarians to provide access to information and to guard against attempts to abrogate this freedom. The Oklahoma Library Association pledges to resist all such attempts and to provide assistance and support to libraries and librarians engaged in resisting such attempts.

In view of these facts, this handbook has been developed by the Intellectual Freedom Committee of the Oklahoma Library Association. The Association subscribes to the principles set forth in the Library Bill of Rights and the Freedom to Read Statement of the American Library Association, and all corollary statements adopted by that body.

A NOTE OF THANKS

This committee gratefully acknowledges the 1990-1991, 1996-1997, and 2003-2004 OLA Intellectual Freedom Committees. The Intellectual Freedom Handbook of the Oklahoma Library Association has proven itself to be a valuable and necessary document.

JUSTIFICATION

The Oklahoma Library Association hereby empowers the Intellectual Freedom Committee to act in consultation with the President and/or the Executive Board in all areas of concern listed herein. These areas constitute continuing responsibilities of the Committee, until this Statement of Policy and Procedure has been amended or revoked.

INTELLECTUAL FREEDOM COMMITTEE CHARGE

- I. See Constitution: Article VI
Bylaws: Article VI - 3J
OLA Statement of Intellectual Freedom Principles: Areas of concern
- II. Term
Members are appointed by the President to a one year term of office beginning July.
- III. Committee: Duties and responsibilities
 - A. Protect the freedom of individuals to make their choice of library materials
 - B. Bring restrictions in this area to the attention of the Executive Board
 - C. Provide accurate and up-to-date information about intellectual freedom via the Intellectual Freedom Handbook and the OLA-IFC website.
- IV. Chair: Duties and responsibilities
 - A. Attend all meetings of the Program Planning Committee.
 - B. Plan and present a workshop at the Annual Conference, preparing a self-supporting workshop budget and submitting a proposal for the workshop to the Continuing Education Committee and then the Executive Board.
 - C. Prepare and submit a proposed budget for the year to the Budget and Finance Committee.
 - D. Notify the President of any change desired in the membership of the committee.
 - E. Notify the Executive Director of all committee meeting dates and locations.
 - F. Appoint a secretary to record minutes of each meeting and to ensure a copy of the agenda and minutes are sent to the Executive Director.
 - G. Maintain records of activities and correspondence. Pass these onto incoming chair. Forward records of predecessor to Executive Director.
 - H. Prepare Annual Report summarizing activities during the current year. This report will be included in the printed pamphlet entitled "Annual Report of the Oklahoma Library Association," and is available at the Annual Conference.

As directed by the Oklahoma Library Association, the IFC also

- 1. assists in combating any unwarranted invasions of privacy involving library records.
- 2. assists libraries to eliminate any imposed restrictions and will provide advice, assistance, and support to libraries whose selection policies or practices are threatened or curtailed.
- 3. assists the Association in monitoring and responding to legislation "at the federal, state, local, and school district levels, which tends to strengthen the position of libraries and other media of communication as instruments and disseminators of knowledge and information in a free society. The Association is also concerned with monitoring and responding to proposed legislation at the various levels of government which might restrict, censor, label, confiscate, or otherwise interfere with the selection, acquisition, and display of materials by libraries."
- 4. assists the Association in the effort to provide "continuing education on intellectual freedom principles and philosophies for library staffs and other Association members."
- 5. assists the Association in responding to challenges to intellectual freedom and in providing liaison with other designated organizations and groups concerned with intellectual freedom.

***First Amendment of the Bill of Rights
to the United States Constitution***

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

(The Bill of Rights to the U.S. Constitution was ratified on December 15, 1791)

LIBRARY BILL OF RIGHTS

(Adopted June 18, 1948.

Amended February 2, 1961, and January 23, 1980,
inclusion of “age” reaffirmed January 23, 1996,
by the ALA Council)

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.

LIBRARIES: AN AMERICAN VALUE

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

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.

**OKLAHOMA LIBRARY ASSOCIATION
ENDORSEMENT AND AMPLIFICATION
OF THE CODE OF ETHICS OF THE
AMERICAN LIBRARY ASSOCIATION**

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

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

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

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

- I. *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.*

The library profession expects its members to be competent, committed, dedicated individuals who care about providing a high level of service to their clients. In order to provide that service effectively, they must know their clients and be familiar with their needs and abilities. Based on this knowledge, they endeavor to select and develop an appropriate collection that is organized according to recognized bibliographic standards, to ensure not only physical or electronic access, but also intellectual access. Written policies and procedures ensure equitable circulation policies and service to all clients, regardless of age, background, or views. Skillful, accurate, unbiased, and courteous responses to all requests result from collection knowledge, careful reference interviews, and bibliographic instruction. Paraprofessionals and other library employees or volunteers are given appropriate training to familiarize them with all policies and procedures.

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

We respect the freedom of library users to seek and obtain information and to participate in the dissemination of ideas, regardless of point of view expressed. Librarians have the unquestioned obligation to provide a representative selection of materials on all subjects of interest to readers, including each side of controversial issues. No material shall be eliminated from consideration in the collection simply because of language or frank treatment, verbal or illustrative, of certain situations which may be objectionable to some people. Librarians serve as the bridge between patrons and the materials and information that those clients desire; the duty of the librarian is to facilitate that interchange without bias. Any action on the part of a librarian to impede that flow shall be deemed inappropriate. Librarians must be consistently vigilant against groups and individuals attempting to impede that free flow of information by attempting to restrict or deny access to materials in any format. Accessibility is the responsibility which librarians have to their clients.

- III. *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.*

As an institution basic to democratic society, libraries must preserve an atmosphere in which the patron's access to information and search for knowledge are treated as matters of privacy. The right to privacy is a basic human right; abrogation of that right can damage the service role of a library and compromise the integrity of librarians. Information deemed confidential in nature is protected by Oklahoma law and includes circulation records, interlibrary loan requests, computer activity, reference questions, and other such professional services. Information gained by a librarian in serving a patron should be treated with confidentiality accorded by doctors and lawyers and shall be released only upon issuance of a court order or a subpoena in proper form and for demonstrable cause, or upon the request or granting of permission in writing by the patron. Library patrons have the right to be informed about the nature of records created and maintained and about their rights regarding the use of that information.

- IV. *We respect intellectual property rights and advocate balance between the interests of information users and rights holders..*

Authors, artists, musicians, and others who generate and disseminate ideas are legally entitled to certain protections regarding the use or reproduction of the results of their intellectual or creative efforts, including works from which they do not profit financially. As librarians, we recognize those rights, and so provide access to information within the bounds of copyright and other intellectual property laws. We seek to educate our patrons about key intellectual property issues, such as plagiarism of print or online resources or the illegal reproduction of protected digital information. We also recognize the fair use

rights of our patrons, and encourage unfettered use of and access to intellectual property within the bounds of law.

- V. *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.*

As a part of the social and intellectual human experience, libraries apply ethical standards and practices to ensure equality in all aspects of employment and work relationships. Employment-related decisions must be made on the basis of valid job-related criteria only and without respect to personal traits that are unrelated to job competency. Any discriminatory practices are unacceptable. In addition to following fair and equitable hiring and employment practices, librarians behave with professionalism and respect toward all co-workers in order to engender an atmosphere of collegiality and to encourage professional development that will be of benefit not only to library employees, but to the patrons and communities they serve.

- VI. *We do not advance private interests at the expense of library users, colleagues, or our employing institutions.*

As a profession, librarians are sometimes entrusted with information or knowledge that can be sensitive, confidential, or timely. It is inappropriate for librarians to exploit that knowledge to further private interests, whether their own or another party's, especially if such use would cause detriment to the source of the information. The profession expects high levels of both professional and personal integrity from librarians, including a character and conduct that promotes confidence in the profession. Use of professional position or knowledge to advance private interests illegitimately violates the integrity and health of the library profession and frequently breaches our promise to respect the privacy and confidentiality rights of our patrons. In conducting professional affairs it is imperative that private interests not be allowed to supersede professional duty—a duty which is understood to be analogous with service.

- VII. *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.*

Librarians should not refuse to provide information or other library services on the grounds of their personal beliefs or the possible uses to which patrons may put the knowledge or resources gained. As a professional, the librarian must have the objectivity to differentiate between personal bias and professional duty, which requires first a knowledge of the philosophies of the professional body of librarianship. although we respect the rights of library employees to their own beliefs and convictions, it is our professional responsibility to provide access to information, not to advocate particular viewpoints or to make moral judgments.

- VIII. *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.*

Given the rapidly changing nature of the means and technologies by which access to information is obtained, librarians must continually update their professional knowledge and skills in order to provide their patrons with the best possible service. Continuing education, whether formal or informal, is a vital component of ongoing professional development. Librarians make every effort to keep their understanding of trends, services, and technologies current, as well as anticipate and respond to the changing needs of their patrons and communities. In addition to their professional development as individuals, librarians foster the continuing health of the profession as a whole by encouraging and mentoring those interested in joining it.

Adopted May 1989 by the Oklahoma Library Association. Amplification revised and expanded to reflect 2005 revision of the ALA Code of Ethics and approved by the Oklahoma Library Association Executive Board March 2006. Revised to reflect 2008 revision of ALA Code of Ethics and adopted by Oklahoma Library Association April 2009.

The Oklahoma Library Association Statement of the
INTELLECTUAL FREEDOM PRINCIPLES
(Approved by the OLA Executive Board on April 20, 1979)
(Approved by the OLA Membership on March 20, 1981)

A. PREAMBLE

The Oklahoma Library Association holds that the freedom to read, as a part of overall freedom of expression, is constitutionally guaranteed to all people in Oklahoma. The communication of ideas, as expressed by freedom of choice in the selection of materials for library collections, is necessary to a free state, and shall be protected against extra-legal attempts by self-appointed censors to abridge it. The Association believes that it is the essence of democracy that citizens shall have the right of free inquiry and the equally important right of forming their own opinions, and it is of utmost importance that free access for persons of all ages to all types of information be preserved and defended. The Association fully endorses the principles set forth in the LIBRARY BILL OF RIGHTS, the FREEDOM TO READ STATEMENT and the FREEDOM TO VIEW STATEMENT, the Oklahoma Library Association's STATEMENT OF PROFESSIONAL ETHICS. Additionally, the Association also endorses the statements contained in the Intellectual Freedom Manual of the American Library Association, current edition, and all interpretive statements adopted thereto.

B. AREAS OF CONCERN

1. Materials Selection Policy

The Oklahoma Library Association endorses the concept that every library should have a written, official statement of policy for the selection of library materials. The policy will provide an objective basis, including the principal criteria, for selecting materials and for declining to add materials to the collection. Libraries needing assistance in developing Materials Selection Policies are urged to contact the Oklahoma Department of Libraries or the Library Media Section of the Oklahoma State Department of Education.

2. Internet Use Policy

The Oklahoma Library Association endorses the concept that every library should have a written, official statement of policy for patron and staff use of the Internet. The policy will provide guidelines for appropriate use. Libraries needing assistance in developing Internet Use Policies are urged to contact the Oklahoma Department of Libraries or the Library Media Section of the Oklahoma State Department of Education.

3. Disclosure of Records (65 O.S. 1991, Section 1-105, 2002; see page 23)

The Oklahoma Library Association defends the right of users of library materials to remain free from invasion of privacy. The Association supports libraries in resisting demands by persons or government agents seeking to examine library circulation records in an effort to establish possible connections between an individual's library borrowing record and that individual's behavior. The Intellectual Freedom Committee will assist the Association—as directed—in combating any unwarranted invasions of privacy involving library circulation records.

4. Awareness of Racism, Sexism, and Alternative Life Styles
The Oklahoma Library Association urges that members be aware of library materials which deal with racist, sexist, and alternate life style subjects. The Association condemns the efforts of censors to arbitrarily remove these materials. A heightened awareness of the sensitivity of many library users to possible biases with regard to these subjects is of legitimate concern to Association members. However, demands for the removal or expurgation of any materials because they are deemed offensive is incompatible with the First Amendment to the United States Constitution, and to the free exercise of judgment in a free society.
5. Problems of Interference
The Oklahoma Library Association is concerned with proposed or actual restrictions imposed by individuals, voluntary committees, or ad hoc groups which would inhibit the efforts of librarians to acquire and make available the widest range of materials for their patrons. As directed by the Association, the Intellectual Freedom Committee will assist libraries to eliminate any imposed restrictions and will provide advice, assistance and support to libraries whose selection policies or practices are threatened or curtailed.
6. Legislation
The Oklahoma Library Association supports legislation at the federal, state, local and school district levels, which tends to strengthen the position of libraries and other media of communication as instruments and disseminators of knowledge and information in a free society. The Association is also concerned with monitoring and responding to proposed legislation at the various levels of government which might restrict, censor, label, confiscate, or otherwise interfere with the selection, acquisition, and display of materials by libraries. The Intellectual Freedom Committee will assist the Association in monitoring and responding to this legislation.
7. Education
The Oklahoma Library Association is dedicated to the provision of continuing education on intellectual freedom principles and philosophies for library staffs and other Association members. The Intellectual Freedom Committee will assist the Association in this effort.
8. Liaison With Other Organizations
The Oklahoma Library Association, in order to encourage and promote a united front in defending the rights of libraries to remain free and of citizens to read and view materials freely, shall cooperate with other organizations and groups concerned with intellectual freedom. Among these are the American and Oklahoma Civil Liberties Unions, the American Library Association's Office for Intellectual Freedom, the Freedom to Read Foundation, and other groups defending constitutionally guaranteed freedoms for all citizens. As requested by the Association, the Intellectual Freedom Committee shall advise the Association in responding to challenges to intellectual freedom and shall provide liaison with other designated organizations and groups.

This policy statement shall supersede all previous statements and policies of the Association with regard to "intellectual freedom."

**POLICIES AND PROCEDURES FOR HANDLING REPORTED VIOLATIONS
OF INTELLECTUAL FREEDOM**

Approved by the OLA Executive Board on January 18, 1985

Approved by the OLA Membership on March 21, 1985

I. General Policies

- A. The Oklahoma Library Association endorses and supports all intellectual freedom statements as published in the current edition of the Intellectual Freedom Manual of the American Library Association.
- B. The Executive Board of the Oklahoma Library Association has sole authority to determine what action, if any, will be taken on behalf of the Oklahoma Library Association when an alleged violation or potential violation of intellectual freedom occurs.
- C. When an alleged or potential violation is reported to the Executive Board, either by the Chair of the Intellectual Freedom Committee of OLA, or by another organization or individual, whether or not that organization or individual is a member of, or connected with OLA in any way, the Executive Board will ordinarily refer the matter immediately to the Intellectual Freedom Committee for investigation.
- D. The Intellectual Freedom Committee will investigate and report its findings in timely fashion to the Executive Board, with a recommendation for official action.

II. Procedures for Handling Requests for Assistance

If the Executive Board approves a request for assistance, the President of OLA will immediately authorize the OLA-IFC Chair to proceed, as follows:

- A. The OLA-IFC Chair will contact ALA-OIF if contact has not already been made.
- B. The OLA-IFC Chair will draft a statement of position in light of the facts and in relation to the stated Intellectual Freedom policy of the Association; this statement shall include recommendations for appropriate action by OLA.
- C. The OLA-IFC Chair will disseminate the statement to members of the IFC for comment and majority approval.
- D. The OLA-IFC Chair will present this statement to the OLA Executive Board and will provide information and advice to help the Board in its deliberations.
- E. The OLA Executive Board will take appropriate action.

III. The OLA Executive Board may authorize one or more of the following actions:

- A. In case of censorship of library material(s), or of pending local or state legislation deemed detrimental to the cause of Intellectual Freedom, the OLA President or person designated by the President will publicize the official OLA stand via bulletins to OLA members, written releases to the media, personal appearances in the media and in testimony before the appropriate state or local legislative body dealing with the matter—with direct assistance from the OLA-IFC Chair.
- B. Similar actions will be taken in cases involving dismissal or threats of a library staff member; moral support will be given by OLA.

- C. The President of OLA, the Executive Board, and the OLA-IFC will seek monetary support, if necessary, for maintenance and legal aid, following consultation to determine who should seek the aid and from which source; e.g., Freedom to Read Foundation, American Library Association, LeRoy C. Merritt Humanitarian Fund, American Association of University Professors, American Civil Liberties Union, National Education Association Legal Fund, et. al.
- IV. In cases where immediate action is required, the OLA-IFC Chair may contact the President of OLA to determine what actions may be taken before the regular procedures are followed. The President will then notify members of the Executive Board that this emergency action is being taken.

CHILDREN'S INTERNET PROTECTION ACT (CIPA)

On July 23, 2003 the Federal Communication Commission (FCC) adopted an order that updates regulations pertaining to the Children's Internet Protection Act (CIPA) for libraries. This order was adopted to reflect the recent Supreme Court decision in *American Library Association Inc. v. United States* issued on June 23, 2003.

The Children's Internet Protection Act (CIPA) requires the filtering or blocking of certain visual depictions and requires libraries to adopt and implement an Internet safety policy and operate "technology protection measures" (blocking and filtering) if they receive:

- E-rate discounts for Internet access, Internet service, or internal connections;
- Funds under title III of the Elementary and Secondary Education Act (ESEA) to purchase computers used to access the Internet or to pay the direct costs associated with accessing the Internet; or
- Funds under the state grant programs of the Library Services and Technology Act (LSTA) to purchase computers used to access the Internet or to pay the direct costs associated with accessing the Internet

Libraries which are subject to CIPA must undertake efforts in Funding Year 2003 (the current year) AND be compliant by the start of Funding Year 2004, July 1, 2004, in order to receive discounts.

- Compliance is the enforcement of an Internet safety policy that includes the use of a technology protection measure, such as filtering software, blocking software, etc. Requirements for provisions that must be included in an Internet safety policy as stipulated by this law are listed in the Children's Internet Protection Act (Pub.L. 106 - 554), Subtitle C, Section 1732. [Available through the FCC website (www.fcc.gov)]
- Libraries that are not in compliance with CIPA this year (FY 2003) and will not be undertaking actions in order to be compliant by 2004 are not eligible for E-rate discounts on Internet access or internal connections in Funding Year 2003. However, they will not be required to return funds received during the period between July 1 and the effective date of the Order.

As established in the original FCC rules, CIPA does not apply to E-rate discounts for any service classified by the E-rate program as telecommunications.

CHALLENGED MATERIALS

As discussed in the Oklahoma Library Association Statement of the Intellectual Freedom Principles (page 9), every library should have a strong materials selection policy to guide in the acquisition of materials and to refer to should there be a challenge to materials in the library. Libraries needing assistance in developing Materials Selection Policies are urged to contact the Oklahoma Department of Libraries or the Library Media Section of the Oklahoma State Department of Education.

Legislation

STATE OF OKLAHOMA

Taken from OKLAHOMA STATUTES, 2000

§21-1024.1.

As used in Sections 1021 through 1024.4 of this title:

1. "Obscene material" means and includes any representation, depiction or description of sexual conduct, whether in any form or medium including still photographs, undeveloped photographs, motion pictures, undeveloped film, videotape, CD-ROM, magnetic disk memory, magnetic tape memory or a purely photographic product or a reproduction of such product in any book, pamphlet, magazine, or other publication, if said items contain the elements of paragraph 2 of this section;
2. "Performance" means and includes any live or cinematic show of whatever nature over any broadcast media, if the performance contains the following:
 - a. the obscene material or performance has as one of its participants or portrayed observers a child under the age of eighteen (18) or who appears as prepubescent, or
 - b. the obscene material or performance contains depictions or descriptions of sexual conduct which are patently offensive as found by the average person applying contemporary community standards,
 - c. the obscene material or performance taken as a whole has as the dominant theme an appeal to prurient interest as found by the average person applying contemporary community standards, and
 - d. a reasonable person would find the obscene material or performance taken as a whole lacks serious literary, artistic, educational, political, or scientific purposes or value.

3. "Sexual conduct" means and includes any of the following:
 - a. Acts of sexual intercourse including any intercourse which is normal or perverted, actual or simulated,
 - b. acts of deviate sexual conduct, including oral and anal sodomy,
 - c. acts of masturbation,
 - d. acts of sadomasochistic abuse including but not limited to:
 - i. flagellation or torture by or upon any person who is nude or clad in undergarments or in a costume which is of a revealing nature, or
 - ii. the condition of being fettered, bound, or otherwise physically restrained on the part of one who is nude or so clothed,
 - e. acts of excretion in a sexual context, or
 - f. acts of exhibiting human genitals or pubic areas.

The types of sexual conduct described in paragraph 3 of this section are intended to include situations when, if appropriate to the type of conduct, the conduct is performed alone or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.



Challenged Materials Censorship Database Form

Intellectual Freedom Committee

- WHO: Intellectual Freedom Committee, Oklahoma Library Association
- WHAT: We have established an OKLAHOMA CLEARINGHOUSE FOR CHALLENGED MATERIALS which contains information on censorship attempts in Oklahoma Libraries as well as information on how the situation was handled.
- WHEN: If you have had an individual or group challenge materials, etc., in your library in the past 12 months, please fill out the form on the back of this flier and mail it to the Oklahoma Library Association. You may also submit this information online from the OLA website, www.oklibs.org.
- WHERE: Kay Boies, OLA Executive Director, maintains the Clearinghouse records and can be contacted for information.
- WHY: The OLA Intellectual Freedom Committee helps libraries to fulfill the Library Bill of Rights and the Freedom to Read Statement of the American Library Association by providing access to resources and information about censorship attempts in Oklahoma. This information can be used to help Oklahoma librarians in similar situations.
- HOW: If you have had materials at your library challenged, fill out the form and click the Submit button, or download a printable version (see bottom of page), fill it out and send it to the address provided, along with news articles or other supporting materials (if any). Names of the institution and person reporting the challenge will be kept confidential, unless you indicate your willingness to be a resource for a librarian in a similar situation. Oklahoma Challenged Materials will be shared at the annual conference.



Challenged Materials Censorship Database Form

Intellectual Freedom Committee

Object of Challenge: _____ Date of Challenge: _____
 Title: _____ Copyright/Issue date: _____
 Author/Performer(s): _____
 Publisher/Producer: _____

Print Material: Print Textbook Magazine Newspaper Pamphlet Play Student Publication
 Nonprint Material: Artwork Photo Sound Recording Video/DVD Audiobook
 Other: Collection Exhibit Performance Speech Website Other: _____

GROUNDNS FOR CHALLENGE (Check as many as apply)

- | | | | |
|--|--|--|--|
| 1. Cultural | 2. Sexual | 3. Values | 4. Social Issues |
| <input type="checkbox"/> Anti-Ethnic | <input type="checkbox"/> Homosexuality | <input type="checkbox"/> Anti-Family | <input type="checkbox"/> Abortion |
| <input type="checkbox"/> Insensitivity | <input type="checkbox"/> Nudity | <input type="checkbox"/> Offensive Language | <input type="checkbox"/> Drugs |
| <input type="checkbox"/> Racism | <input type="checkbox"/> Sex Education | <input type="checkbox"/> Political Viewpoint | <input type="checkbox"/> Occult/Satanism |
| <input type="checkbox"/> Sexism | <input type="checkbox"/> Sexually Explicit | <input type="checkbox"/> Religious Viewpoint | <input type="checkbox"/> Suicide |
| <input type="checkbox"/> Inaccuracy | <input type="checkbox"/> Unsuitable to Age Group | <input type="checkbox"/> Violence | |

5. Other Reasons (specify): _____

INITIATOR OF CHALLENGE

Individual: Administrator Board Member Clergy Parent Teacher
 Patron Staff Elected Official
 Group: Government Special Interest Group Religious Group Other: _____
 Organizations supporting the challenge: _____

INSTITUTION BEING CHALLENGED (this information will be kept confidential)

Name: _____ Phone: _____
 Address: _____
 City: _____ Zip Code: _____
 email: _____
 School Related: School or School Library Grade Level(s) affected: ____ to ____
 Other Library: Academic Library Public Library Prison Special Library
 Other (please specify): _____

PERSON REPORTING THIS CHALLENGE (this information will be kept confidential)

Name: _____
 Title: _____
 Address/Phone (if different from above): _____

OUTCOME OF THE CHALLENGE

Would you be willing to share your experience with another librarian in a similar situation? Yes No

PLEASE NOTE: INDIVIDUALS AND INSTITUTIONS WILL BE KEPT CONFIDENTIAL

Feel free to attach news clippings or other supporting material. Feel free to copy this form.

Return this form to: Kay Boies, OLA, 300 Hardy Drive, Edmond OK 73013

Revised 8/2003

WHAT TO DO WHEN MATERIALS ARE CHALLENGED

1. Listen calmly and politely to the challenge. Treat the individual or group challenging the material with dignity. Do not argue or agree!
2. If a person within the library has been designated to deal with challenges, refer the challenger to that person.
3. Provide a request for reconsideration form. Provide copies of any statements and/or policies that the library's policies and procedures dictate.
4. Notify supervisor and/or the library administration when a request for reconsideration is received.
5. Know who has been designated by the library to respond to press and/or public queries about challenged materials. Refer all such queries to that person. If no person has been designated, designate one now.
6. Follow library policies and procedures for the review of materials.
7. When the review of materials is complete, respond in writing to the individual or group requesting the review. Explain the review procedure and final decision. A person should be designated to make all such responses.
8. If confidentiality is an issue, cite 65 O.S. 2002, Section 1-105 (see page 25). Do not reveal any patron's name or circulation record to anyone other than that patron unless the person is authorized to receive the information (for example, a parent or guardian may be authorized to see a child's record). If a court order is produced, refer it to administration or the library's legal counsel.
9. If necessary, contact the organizations listed [pages 11-12] for support. Report the incident to the OLA Intellectual Freedom Committee.
10. Concentrate on the positive role of the library, not the negative aspects of the challenge. Do not engage in verbal or press battles over materials.
11. Keep challenged materials on the shelf during the reconsideration process.

SCRIPTING: KEY IDEAS AND EXAMPLES
Intellectual Freedom Committee, OLA Conference 2002:
“Harry, Huck, and H_____”

Karen Bays, Metropolitan Library System

Please use scripting examples as *suggestions of possible responses* that you can adapt to fit your own personal style and library setting. Here are the five “A's” of responding to materials challenges with respect, grace, and confidence:

1. ACTIVELY LISTEN

Active listening means really focusing on the speaker, tuning in, and listening for the feelings behind the content. So, for example, if someone says to you: “I can't believe you let my son check this book out. This is trash!”

Some possible responses:

- “Sounds like you're really angry that your child was able to check this book out.”
- “I imagine you must be really upset about this.”
- “So... are you feeling frustrated right now?”
- “I hear you saying that you're disappointed in the library.”
- “You sound really worried/concerned/upset.”

This validates the person's feelings, and may open the floodgates for him/her to vent more. Just stay with the feelings as long as they need to vent, and don't take it personally. It isn't about you. Continue active listening during all the other steps.

For more info: Nichols, Michael P. *The Lost Art of Listening*. New York: The Guilford Press, 1995. Or look for anything by psychologist, Carl Rogers, on empathy and listening.

2. ATTITUDE CHECK

Are you feeling judgmental or defensive? Are you willing to make an internal shift to respond in a non-judgmental, non-defensive manner? It helps to focus on this ONE INDIVIDUAL in front of you in the present moment. Try to cultivate an attitude of respect, openness, and kindness.

3. APOLOGIZE

Take this step only if your attitude check revealed that you are feeling non-judgmental and are not defensive. Otherwise it may sound insincere. This is not about agreeing with the person's objection, but rather is expressing regret that s/he is unhappy. Keep it basic and simple.

Try statements like:

- “I'm so sorry that you had that experience.”
- “I'm sorry that you were offended.”

Aside from helping you make a genuine connection with this person by sharing your own regrets, apologies are very disarming, and can help defuse the situation.

4. ASSURE

Assure the person making the complaint. This is the “formal complaint” step. You may not have to do this if the person really felt listened to in the previous steps. Simply explain your materials reconsideration procedure, and give them the form to fill out. Tell them what to expect.

Here's what I usually say:

“If you decide you would like to make a formal complaint, here is the form that we use. I'll send this downtown to our Materials Selection office for review, and our Executive Director should send you a written response in 2 weeks.”

5. ASSIMILATE

Welcome the person making the complaint back into the library community by asking what they would suggest we add to the collection.

You could say things like:

“We do try to have something for everyone, and I would really like to make sure your views are represented. If you think of subjects we could cover better, or if you know of some titles you would suggest we purchase, please let me know.”

ASSISTANCE AVAILABLE TO LIBRARY STAFF FROM OLA/IFC

Various forms of assistance are available from the Intellectual Freedom Committee to library staff members who are facing a censorship challenge.

I. Private

- a. Consultation on possible procedures, advice, moral support
- b. Research—book reviews, sample policies, examples of tactics, statements from other groups
- c. Addresses—American Library Association IFC; Freedom to Read Foundation

II. Public

- a. The Executive Board will execute all public actions on behalf of OLA, taking into consideration information and recommendations received from the Intellectual Freedom Committee.

COMMENT POLICY - SAMPLE ONLY

Note to the Library User:

Your library serves people from all walks of life, with a variety of viewpoints and tastes, and we welcome your comments. Before completing this form, you may find it informative and helpful to read the following summary of the library's policy on library materials.

The (name of the library)'s professional staff chooses books and other materials to meet the diverse needs of this community. The staff is guided by a materials selection policy adopted by the (governing body). The (governing body) and the staff support the belief that the right to read and the right of free access to library collections for persons of all ages are essential to the individual's freedom of thought, which is fundamental to democracy. Accordingly, the (governing body) has also adopted the Library Bill of Rights and the Freedom to Read Statement, both of which represent the library's interpretation of the First Amendment to the Constitution of the United States. In practice, this means that the library will resist efforts to remove or censor materials, to label "controversial" materials, or to distribute lists of "objectionable" materials or authors.

If you would like copies of the materials selection policy, the Library Bill of Rights, and the Freedom to Read Statement, please ask your librarian.

NOTE: If the governing body has not adopted a selection policy, the OLA Intellectual Freedom Committee recommends contacting the Oklahoma Department of Libraries for guidance in creating one.

COMMENT FORM - SAMPLE ONLY

Date submitted

Name of library receiving comments

Name _____

Address _____

City/State/Zip _____

Telephone _____

If you are acting as the official spokesperson for an organization, please specify:

Library material on which you are commenting:

_____ Book _____ Magazine _____ Videotape/Film _____ Sound recording

Other (please specify):

Title: _____

Author: _____

To what in this material do you object? (Please cite pages or other specific location):

What do you feel might be the result of use of this material?

Did you read (view, listen to, etc.) this material in its entirety? If not, what parts?

What do you believe is the theme of this material?

Please comment on this material as a whole. Feel free to suggest other materials on the subject for our consideration. (Use other side if needed.)

**YOUR COMMENTS WILL RECEIVE A WRITTEN REPLY
FROM THE LIBRARY DIRECTOR**

PRIVACY AND CONFIDENTIALITY

OKLAHOMA STATUTE §65-1-105 (2002). Disclosure of records.

- A. Any library which is in whole or in part supported by public funds including but not limited to public, academic, school or special libraries, and having records indicating which of its documents or other materials, regardless of format, have been loaned to or used by an identifiable individual or group shall not disclose such records to any person except to:
 - 1. Persons acting within the scope of their duties in the administration of the library;
 - 2. Persons authorized to inspect such records, in writing, by the individual or group; or
 - 3. By order of a court of law.

- B. The requirements of this section shall not prohibit middle and elementary school libraries from maintaining a system of records that identifies the individual or group to whom library materials have been loaned even if such system permits a determination, independent of any disclosure of such information by the library, that documents or materials have been loaned to an individual or group.

Added by Laws 1985, c. 81, § 1, eff. Nov. 1, 1985. Amended by Laws 1986, c. 98, § 1, eff. Nov. 1, 1986.

ALA POLICY ON CONFIDENTIALITY OF LIBRARY RECORDS

(Adopted January 20, 1971; revised July 4, 1975, July 2, 1986, by the ALA Council)

The Council of the American Library Association strongly recommends that the responsible officers of each library, cooperative system, and consortium in the United States:

1. Formally adopt a policy which specifically recognizes its circulation records and other records identifying the name of library users to be confidential in nature.*
2. Advise all librarians and library employees that such records shall not be made available to any agency of state, federal, or local government except pursuant to such process, order, or subpoena as may be authorized under the authority of, and pursuant to, federal, state, or local law relating to civil, criminal, or administrative discovery procedures or legislative investigative power.
3. Resist the issuance or enforcement of any such process, order, or subpoena until such time as a proper showing of good cause has been made in a court of competent jurisdiction.**

*Note: See also ALA Code of Ethics, point III: "We protect each library user's right to privacy and confidentiality with respect to information sought or received, and materials consulted, borrowed, acquired or transmitted."

**Note: Point 3, above, means that upon receipt of such process, order, or subpoena, the library's officers will consult with their legal counsel to determine if such process, order, or subpoena is in proper form and if there is a showing of good cause for its issuance; if the process, order, or subpoena is not in proper form or if good cause has not been shown, they will insist that such defects be cured.

The USA PATRIOT Act

(from the Intellectual Freedom Committee of the Colorado Association of Libraries, http://www.cal-webs.org/if_patriot.html)

The Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism, hereafter “the Act,” was signed into law on 26 October 2001, with little chance for Congressional review or public comment.

How does the Act affect my library?

The Act, particularly Sections 215 & 505, does a number of things related to libraries. It:

- lowers the legal standard for obtaining a search warrant from "probable cause" that a crime is being committed to "reasonable grounds" that the library information is "relevant" to an authorized terrorist or intelligence investigation (Section 215)
- allows the FBI to get a special search warrant from the Foreign Intelligence Surveillance Act (FISA) court to retrieve library usage records of someone who is under investigation of involvement in suspicious activities (Section 215)
- overrides state and local privacy laws in the case of FISA search warrants (Section 215)
- prohibits the library from notifying the patron under suspicion, the press, or anyone else that an investigation is underway (Section 215) [note: as part of the reauthorization of the Act in 2006, this prohibition may now be challenged in court one year after the warrant's issuance]
- grants expanded wiretapping authority to federal & state law enforcement agencies that allows monitoring of public computers (Section 216)
- under special circumstances, allows the FBI to take records related to internet usage without a warrant (Section 505)

Overview of the USA PATRIOT Act

[excerpted from the CRS Report for Congress: USA PATRIOT Improvement and Reauthorization Act of 2005: A Legal Analysis, Updated December 21, 2006; Brian T. Yeh, Legislative Attorney, American Law Division and Charles Doyle, Senior Specialist, American Law Division (<http://www.fas.org/sgp/crs/intel/RL33332.pdf>)]

Several sections of the USA PATRIOT Act and one section of the Intelligence Reform and Terrorism Prevention Act of 2004 were originally scheduled to expire on December 31, 2005. In July 2005, both Houses approved USA PATRIOT reauthorization acts, H.R. 3199 and S. 1389, and the conference committee filed a report, H.Rept. 109-333. A separate bill, the USA PATRIOT Act Additional Reauthorizing Amendments Act of 2006 (S. 2271), provided civil liberties safeguards not included in the conference report. Both H.R. 3199 and S. 2271 were signed into law (P.L. 109-177 and P.L. 109-178) by the President on March 9, 2006.

This report describes the USA PATRIOT Improvement and Reauthorization Act of 2005 (the Act) and, where appropriate, discusses the modifications to law made by the USA PATRIOT Act Additional Reauthorizing Amendments Act of 2006.

Consisting of seven titles, the Act, among other things:

- Makes permanent 14 of the 16 expiring USA PATRIOT Act sections as well as the material support of terrorism amendments scheduled to expire on December 31, 2006.
- Creates a new sunset of December 31, 2009, for USA PATRIOT Act sections 206 and 215 (“roving” FISA wiretaps and FISA orders for business records), and for the “lone wolf” amendment to FISA.
- Provides for greater congressional and judicial oversight of section 215 orders, section 206 roving wiretaps, and national security letters.
- Requires high-level approval for section 215 FISA orders for library, bookstore, firearm sale, medical, tax return, and educational records.
- Enhances procedural protections and oversight concerning delayed notice, or “sneak and peek” search warrants.
- Expands the list of predicate offenses in which law enforcement may obtain wiretap orders to include more than 20 federal crimes.
- Revises criminal penalties and procedures concerning criminal and terrorist activities committed at seaports or aboard vessels.
- Reinforces federal money laundering and forfeiture authority, particularly in connection with terrorist offenses.
- Allows the Attorney General to determine whether a state qualifies for expedited habeas corpus procedures for state death row inmates.
- Establishes a new National Security Division within the Department of Justice (DOJ), supervised by a new Assistant Attorney General.
- Creates a new federal crime relating to misconduct at an event designated as a “special event of national significance,” whether or not a Secret Service protectee is in attendance.
- Intensifies federal regulation of foreign and domestic commerce in methamphetamine precursors.

Much of the information contained in this report may also be found under a different arrangement in CRS Report RL33239, *USA PATRIOT Improvement and Reauthorization Act of 2005: Section-by-Section Analysis of the Conference Bill*.

For more information, including a downloadable brochure that can be customized for individual libraries, is available at http://www.cal-webs.org/if_patriot.html. More information about the USA Patriot Act and other Intellectual Freedom issues are also available on the ALA website (<http://www.ala.org/ala/aboutala/offices/oif/index.cfm>)