Intellectual Freedom:

Overview, Current Issues, and Responding to Challenges

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Learning Objectives

Participants will be able to:

- Understand the history and underlying principles of Intellectual Freedom in libraries.

- Describe how policies support Intellectual Freedom.

- Be better prepared to appropriately respond to concerns from the public.
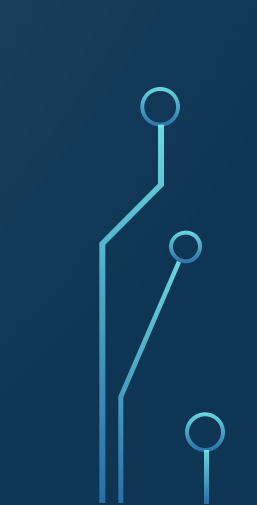
Intellectual Freedom

Overview

It is the principal of intellectual freedom, not the contents, ideas, or expressions themselves, that library staff defend.

Do you drive? Do you find it a hard task? Is it easier now that you've had years of practice?

Believe it or not, there are many similarities between driving a car and addressing Intellectual Freedom in libraries! Just as learning the rules of the roadways and plenty of practice behind the wheel help you reach your destination safely, learning the principles of Intellectual Freedom (what it is, why it is important to our society) and knowing your organization's role and their policies will help you navigate what can be a difficult conversation in your community.

But first - *What IS Intellectual Freedom?*

Intellectual Freedom is:

- An integral component of a democratic society.

- The freedom to hold, receive and disseminate ideas without restriction.

- The right of every individual to both seek and receive information about a broad variety of topics from multiple points of view without restriction.

- The right to access, explore, consider and express ideas and information.

- Diverse.

Do your organization's policies support Intellectual Freedom?

A few to consider are:

- Collection Development & Request for Reconsideration Policy

    - Meeting Room Use Policy

        - Internet Use Policy

            - What other policies does your organization have in place?

Click image to watch
a 4 minute video from ALA

New issues come up as our culture changes and evolves. One of the most challenging issues we face today is how to reconcile our values of equity, diversity and inclusion with our values around freedom of thought and expression. There seems to be a nation-wide clash of values right now, and it is important for libraries and library staff to be informed and ready to address questions, challenges and complaints.

What triggers material challenges?

It sometimes seems as if it is *almost anything*, but here are the most common:

Content

- Sex/Sexuality/Sexual Orientation (LGBTQ+)
- Race/Racism
- Profanity
- Violence
- Religious Viewpoints
- Suicide
- Drugs and Alcohol Use/Abuse
- Images

Authorship

- Written by a member of the LBGTQ+ community
- Written by a person of color
- Written by an author of other challenged materials

Other things can trigger challenges…

FORMAT:
Although less frequently, sometimes the material format triggers a challenge. Videos, CDs, games, graphic novels – nothing is "off limits" to challenges. *("Graphic novels are cartoons," "Don't check our R rated videos to minors," "Why do you even have video games?" etc…)*

AUDIENCE:
Some challenges suggest the materials may not be appropriate for a specific audience. *An example of this is "This isn't appropriate for elementary kids." WHO DECIDES WHAT IS APPROPRIATE?*

SOCIAL/CULTURAL ISSUES:
Examples include *"We don't have any members of the [insert group name here] in our community, so we don't need those books." WHETHER REPRESENTED IN A COMMUNITY'S DEMOGRAPHIC OR NOT, DIVERSE MATERIALS ARE IMPORTANT TO ENSURE AN EDUCATED POPULATION.*

REMEMBER: No one group should decide what is not appropriate for another group.

Intellectual Freedom

Responding to Challenges
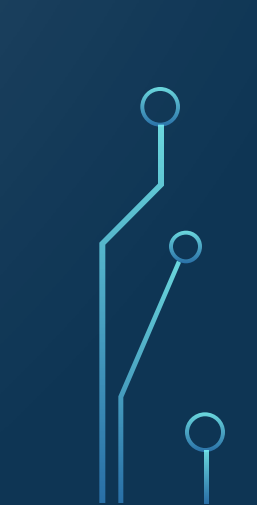
We've had a challenge. Now what?

- LISTEN to the patron, and then thank them for sharing their concern. Libraries SHOULD be a place where the public feels free to <u>respectfully</u> share their thoughts.

- Don't panic.

- Don't argue.

- Don't take the challenge personally.

- Don't defend the individual material, instead, calmly present the relevant information to that person's issue with respect.

Informal complaints can occur at any time.

Library workers, educators, community leaders, and board members who receive expressions of concern should courteously *refer them to the person responsible for responding to concerns.*
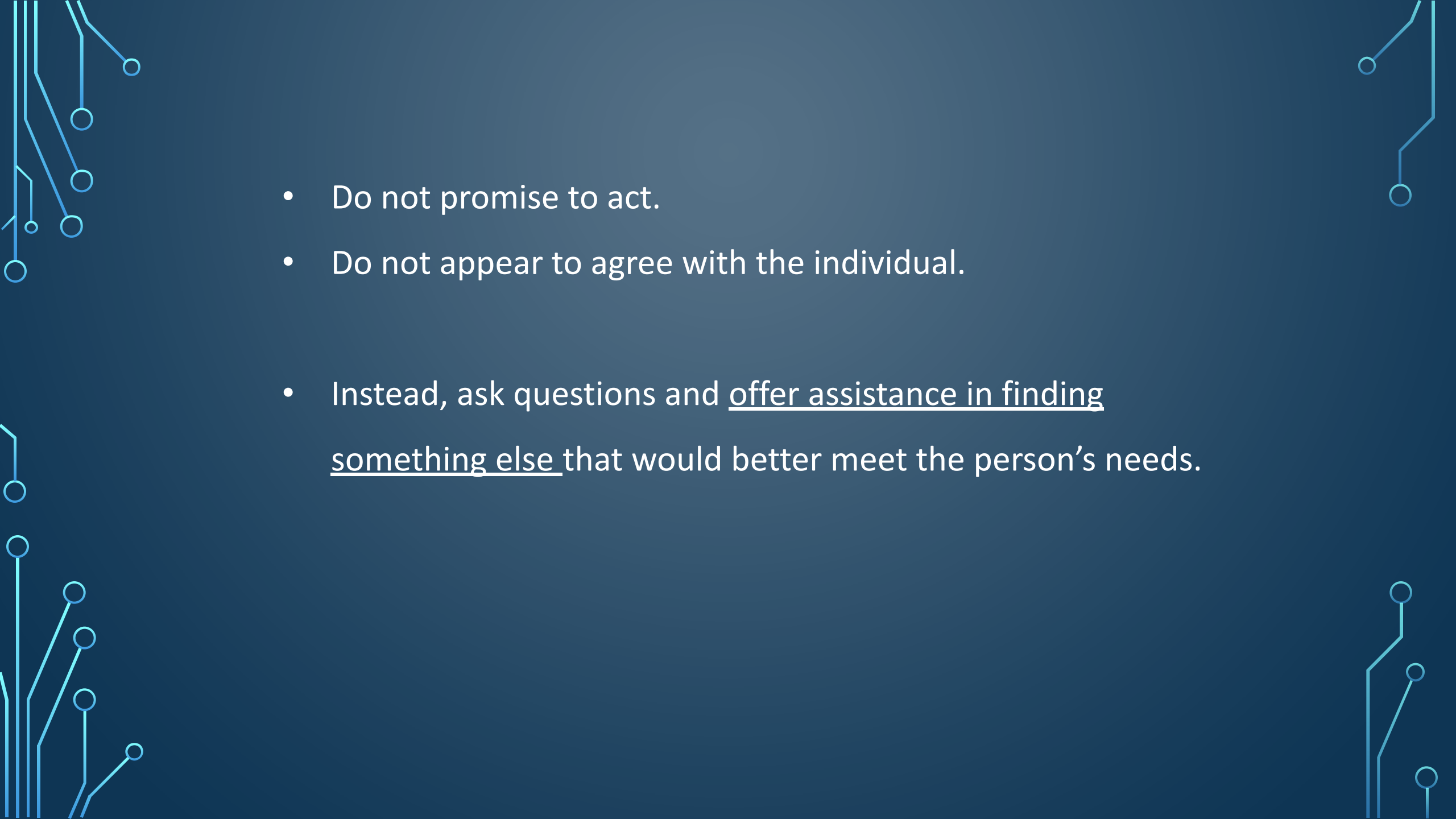
There is *(or should be)* a policy for that.

Long before you ever receive a challenge to your collection, your organization should have policies and procedures in place that will help in addressing material challenges. Most of those policies include a Request for Reconsideration of Materials.

If your organization does not have a policy, drafting and adopting one should be a priority.

ALA suggests the following approach for the person responsible for addressing challenges:

- **Acknowledge** that every person has the right to question library resources. A library user with a complaint should feel confident that their concerns will be taken seriously. **Listen** thoughtfully and respectfully. Try to **elicit the specific reason** for their concern, whether they have read the entire work or only parts, **and the specific action they would like the library to take.**

- Do not promise to act.

- Do not appear to agree with the individual.

- Instead, ask questions and <u>offer assistance in finding something else</u> that would better meet the person's needs.
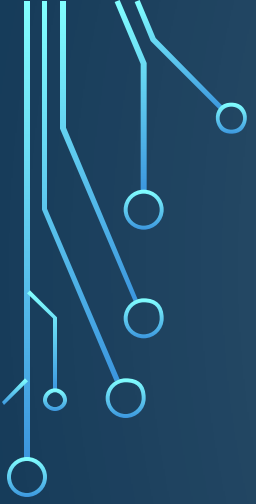
- If the person requests the item be removed from the library's collection, **explain** that although the individual may be offended by the library resource, others may not have the same perspective. **Describe how library materials are selected**. Libraries have diverse collections with resources from many points of view, and a library's mission is to provide access to information for all users. All library users have the First Amendment right to borrow, read, view, and listen to library resources.

- If the individual is concerned about a children's or young adult resource, **explain** that parents and guardians play a major role in guiding their child's reading and library use. Often a person's concern about a children's or young adult book involves a desire to "protect all children" by removing that item from the collection or restricting access to it. **Explain** that each family has the right to determine which library resources are acceptable for its children and must afford the same right (to make decisions) to other parents.

- Many expressions of concern end after the individual has had an opportunity to express personal feelings about a library resource. Many people only want to be heard and have his/her/their opinions acknowledged. No further action is needed. If this is the case, **thank** the person for their interest, **make notes** about the conversation, and **file** them for future reference. Additionally, **report** the conversation to the library director or appropriate supervisor.

- If the concerned individual is not satisfied during the discussion and wants the item removed, **explain the formal reconsideration process and its timeline**. (MAKE SURE YOU KNOW YOUR ORGANIZATION'S POLICY.) Often people who have a concern would like immediate action and are not aware of the length of time this procedure takes. State what your policy says about the availability of the material during the reconsideration process. (Best practice is that the resource under reconsideration will not be removed from use or have access restricted pending completion of the process.)

- **<u>Provide a copy</u>** of the library's relevant policies (collection development policy and resource reconsideration policy/form). Encourage them to visit with a manager or another staff member, if that is appropriate for your organization. Make sure they understand no action can be taken unless the form is fully completed by the concerned individual. Explain that the submission of a completed form will trigger the formal reconsideration process, and that the document will become part of the public record. (Your organization may want to consider limiting Requests for Reconsideration to their own active patrons.)

- After the conversation, **make notes**, including as many details as possible. Date them and retain the notes to provide background in the event that a formal request for reconsideration form is filed. (Don't forget to report it to your director or supervisor too.)

- Don't forget – if the notes become part of the record of the reconsideration process, they may become public records.

Keep your director or appropriate supervisor informed of any concerns expressed, whether you feel they have been successfully resolved or not. Knowing that a concern was expressed helps that individual respond knowledgeably if the concerned person contacts them.

REMEMBER: When acting on a request for reconsideration, it is the principals of Intellectual Freedom (the freedom to read, listen, and view) that are being defended – NOT the specific material/item.

A few things to remember:

- All library users have a First Amendment right to read, view, and listen to library resources.

- When acting on a request for reconsideration, **it is the principals of Intellectual Freedom** (the freedom to read, listen, and view) that are being defended – NOT a specific material or item.

- Make sure you follow the reconsideration process in its entirety. Do not take short cuts to end the process prematurely. This leaves the library open for legal challenge.

Intellectual Freedom DOES NOT mean *anything goes*!

While we defend Intellectual Freedom, it's not an "anything goes" mentality. We know that ***shouting fire in a crowded theater*** is an analogy of speech or actions that are intended to create panic. As essential as it is to know what Intellectual Freedom is and why it is important, it is equally important to know what IS NOT protected as Intellectual Freedom.

OBSCENITY

This one is a bit tricky. Obscenity is NOT protected, but only the courts can determine if an item is obscene. (Obscenity is NOT "I don't like this.") Obscenity has a legal definition, and is established by applying what is called "The Miller Test." A work is considered obscene (and not protected) if it meets **ALL THREE** of the following conditions:

(1)   Whether the average person applying contemporary <u>community standards</u> 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.

REMEMBER: <u>Obscenity is determined by a judge</u>, not by parents, the public, library staff, the library board, county commissioners, community leaders, etc…
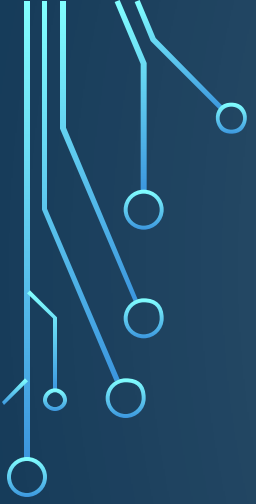
PORNOGRAPHY:

The Supreme Court has acknowledged that pornography has <u>no</u> legal definition and for the most part is protected. (A former justice once said, "I can't define pornography, but I know it when I see it.)

Child pornography is a form of child sexual exploitation. Federal law defines child pornography as *any visual depiction of sexually explicit conduct involving a minor* (persons less that 18 years old). <u>Child pornography is illegal and is NOT PROTECTED as an intellectual freedom</u>.

HATE SPEECH:

The Supreme Court has ruled multiple times that criminalizing hate speech violates an individual's right of free speech.

This means that while hate speech is rude, in most cases it is protected speech; however, hate speech is NOT protected when it incites criminal activity or when it provides a direct threat to somebody of violent or criminal activity.

That being said, libraries are expected to be welcoming and inclusive spaces. Users have the right to use libraries free of discrimination and without a loss of individual safety, and library workers have the right to a safe workplace free from bias and discrimination. Hateful conduct of any kind should not be acceptable in a library and should be addressed in your organization's behavior and conduct policies.

While hate speeck is protected speech, if it is disruptive, it should be handled according to your organization's code of conduct (or disruptive behavior) rules.

Affirmative Collection Development

A strong collection development policy can be beneficial when addressing challenges. An affirmative collection development approach encourages selectors to:

- Meet public demand

- Fill gaps in the collection

- Consider the merit of the work as a whole *(not just the controversial parts)*

- Consider the merit of the material regardless of the author's lifestyle or beliefs.

Other Important Info.

Intellectual Freedom and EDI

Equity, diversity and inclusion are fundamental to the promotion of Intellectual Freedom. These principals ensure that every individual feels welcomed, included, and reflected in library materials, and that all individuals are treated with respect, are valued for their unique perspectives, and have equal access to resources and materials relevant to their life situation.

Censorship

Censorship is the suppression or prohibition any parts of books, films, news, etc. that are considered by some to be unacceptable, or making those items not readily available for the intended audience.

- *"I don't like this [book], so don't make it available for others."*
- *"I don't like this, so remove it from your collection now. Period."*
- *"I don't want you to ban this, and I'm not in favor of censorship. I only want you to remove this (one, five, ten) book(s) from your collection*
- *"It's not for me and mine, so it can't be for you and yours."*

Where to find resources

ALA has a multitude of resources available to help librarians and library leaders address Intellectual Freedom for libraries of all types, including documents that address:

- Why do I need a Policy?
- Politics & Timing of Policy Creation
- Policies for Non-Public Institutions
- Support for Intellectual Freedom
- Intellectual Freedom Core Documents

- Library Bill of Rights
- Student's Right to Read
- Challenge Support
- Reporting Censorship