



COUNCIL AGENDA: 03-01-11
ITEM: 5.1

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Dennis Hawkins, CMC
City Clerk

**SUBJECT: LIBRARY MATERIALS AND
SERVICES POLICY UPDATE**

DATE: 02-16-11

RECOMMENDATION

As recommended by the Neighborhood Services and Education Committee on February 10, 2011 and outlined in the attached memo previously submitted to the Neighborhood Services and Education Committee, adopt a resolution approving revisions to Council Policy 0-3, "Library Materials and Services," which guides library activities for materials selection, related programming and information services to the public.



Memorandum

TO: NEIGHBORHOOD SERVICES AND
EDUCATION COMMITTEE

FROM: Jane Light

SUBJECT: LIBRARY MATERIALS AND
SERVICES POLICY 0-3 UPDATE

DATE: January 24, 2011

Approved

Date

1/24/11

COUNCIL DISTRICT: Citywide

RECOMMENDATION

Full consideration by the City Council of staff's recommendation to revise Council Policy 0-3: Library Materials and Services.

OUTCOME

The Committee's recommendation will forward the updated policy for Council approval. This Policy guides the Library activities for materials selection, related programming and information services to the public.

BACKGROUND

On March 29, 1971, the City Council adopted a policy on library materials and services, which stated that the libraries of the City of San José follow the "Library Bill of Rights" as adopted and amended on June 27, 1967 by the American Library Association. This Council Policy has not been updated or revised since then.

In 2006, Mayor Reed directed departments to review and update Council Policies. The Library Department reviewed existing related departmental procedures and policies and researched the policies of other cities and libraries to determine current best practices. The final product is the attached revision of Council Policy 0-3 (Attachment A). Because the changes in format are extensive, a new document is recommended rather than striking out and replacing text. The 1971 policy is included as Attachment B.

Our research showed that policy statements regarding library materials and services continue to incorporate the American Library Association Library Bill of Rights. In 1967, the ALA's Library Bill of Rights set forth fundamental principles that have remained in place, although some amendments to the wording have been made since to reflect contemporary use of language. The most recent amendment was approved in January 1996. In summary, the Library Bill of Rights identified the role and responsibility of libraries to provide books and other materials presenting all points of view, chosen for values of interest, information and enlightenment of all people in the community, and stated that the rights of an individual to use libraries should not be denied because of age, race, religion, national origin or social or political views.

This revision of City Council Policy 0-3 on Library Materials and Services includes guiding principles, an updated purpose statement, a new section on procedure and incorporates the current version of the ALA Library Bill of Rights.

ANALYSIS

It is best practice in the library field that governing bodies adopt a policy guiding materials and services provided to a community, and to periodically review and update it. The policy allows issues and challenges to be heard and decided in accordance with agreed on principles.

The community, its needs and interests, social context and library practices have changed since the original policy was written. For example, computers and the Internet were not a part of common information seeking behavior when the policy was first adopted. Currently the Library's users collect information by utilizing databases, software, and the Internet on a daily basis in addition to using the traditional materials resources. The format of the information and materials changes while our principles for collecting, presenting and organizing them do not. The updated policy more accurately reflects these changes to guide decisions regarding format, content, and delivery of materials and services to the public.

Library departmental policies and procedures implement the Council Policy and are frequently reviewed and updated to reflect changing needs of the community as well as the development of new media types and delivery methods. From time to time, library users question the appropriateness, availability or accuracy of specific materials or information. These issues are reviewed by Library Administration and decisions determined based on the underlying guidelines and principles of the policy. Care is taken to protect and defend important and long-standing tenets of public library service such as intellectual freedom and individual privacy.

PUBLIC OUTREACH/INTEREST

The purpose of this section is to describe discussions that have occurred with the public, stakeholders, community groups and/or other governmental agencies. Staff will be asked to use the following checklist to determine if items are to be considered items of "Significant Public Interest", thus requiring additional notification per the matrix below. Please note the outreach that was done.

NEIGHBORHOOD SERVICES AND EDUCATION COMMITTEE

Date: January 24, 2011

Subject: Library Materials and Services Policy 0-3 Update

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- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

COORDINATION

The Library Commission reviewed and approved updated Policy on April 14, 2010. Policy development was coordinated with the City Clerk, City Attorney and City Manager's offices.

CEQA

Not a project.

/s/

Jane Light, Library Director

For questions please contact Mary Nacu, Assistant Library Director, 808-2151.

City of San José, California

TITLE	LIBRARY MATERIALS AND SERVICES	PAGE 1 of 1	POLICY NUMBER
EFFECTIVE DATE	March 29, 1971	REVISED DATE	0-3
APPROVED BY COUNCIL ACTION		October 5, 2010	

COUNCIL POLICY

BACKGROUND

Requests have been received at various times, by individuals or organizations, to remove or limit access to books, or other materials and information from the library because in the requestor's opinion these materials or information resources were offensive or not in alignment with community values.

Such requests required individual consideration as to the principle of free access to ideas and the setting of a precedent whereby books could be forced off the open shelves or informational programs restricted, resulting in a form of censorship. City Policy 0-3 was adopted in 1971 to establish the guidelines that govern the services of the Library relative to the selection, access and placement of books and other Library materials and the presentation of educational and informational programs in the San Jose Public Library system. In 2006 the Mayor asked for an update of the current City Policies, and the Library Department has undergone a process of review and development to bring the Library Materials and Services Policy into alignment with current library practice and developments.

The Library Commission has recommended to the City Council that the "Library Bill of Rights" as adopted by the American Library Association be included as part of the policy of the City of San José.

PURPOSE

It is the purpose of this policy to establish the guidelines to govern the services of the Library relative to the selection, access and placement of books and other Library materials and the presentation of educational and informational programs in the San Jose Public Library system.

GUIDING PRINCIPLES

1. **Free and Open Access** to library information resources and materials is fundamental to the democratic process and an informed society.
2. **The Right of Free Speech** allows the individual to explore and learn about matters of personal interest within the limits of the law without judgment or curtailment by government.

3. **Collections and Services to Meet Diverse Needs:** San José Public Library's collection, materials and services respond to diverse community needs for information, education and enlightenment
4. **Parental Responsibility for Children:** Only parents or legal guardians have the authority and responsibility to decide the reading, viewing or listening use of library materials for their own minor children.
5. **The Agreement for Ownership and Operation of Joint Library Building** and Grant of Easement by and between City of San José and the Trustees of the California State University on behalf of San José State University, dated December 17, 1998 and any amendments, will be honored and no policy contrary to the agreement will be implemented without required approval of the University.
6. **Library Department Mission Statement:** The San José Public Library enriches lives by fostering lifelong learning and by ensuring that every member of the community has access to a vast array of ideas and information.

POLICY

The San José City Council recognizes that within San José there are groups and individuals with diverse interests, backgrounds and needs, and that the library serves all people within the City's service area. Therefore the Council adopts this policy for library materials and services.

The San José Public Library will select and develop a broad collection and provide programming that meets the needs and interests of a diverse community for information, education and enlightenment. The library should provide materials, information and services presenting all points of view on current and historical issues and these should not be limited or removed because of partisan or doctrinal disapproval. No library materials that meet library selection criteria shall be excluded because of the origin, background or views of those contributing to its creation. Both the library's physical collection of materials as well as access to the Internet and other electronic resources and databases are integral to fulfilling the mission and objectives of the library. The library is committed to supporting parents and guardians in guiding children to make appropriate use of library resources, through reading lists, web site links, children's collections, and library staff advice.

Under the direction of the City Librarian, library materials are selected by staff who use reviewing media, suggestions from the community, and their professional knowledge to develop a broad collection. Each selection is evaluated on its own merit and in relation to the collection as a whole, using criteria including but not limited to the following: demand by the public; cost; existing collection; availability of the material elsewhere; local importance; and timeliness. Gifts of materials may be accepted at the discretion of the City Librarian according to these selection criteria.

It is the policy of the City Council that the Library of the City of San José follow the "Library Bill of Rights" as last reaffirmed on January 23, 1996, by the American Library Association, as follows:

- 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.

PROCEDURE:

1. The City Librarian may, either by giving direction to staff or by reviewing recommendations, approve materials, access to electronic information, services and licensed databases and educational programming.
2. The City Librarian, either directly or through delegation to staff, will maintain selection criteria, operating procedures and guidelines regarding library materials and educational services, and access to electronic information, services and licensed databases.
3. The City Librarian, either directly or through delegation to staff, will review written requests for reconsideration of specific titles or services, educational programming or access to electronic information, services or licensed databases, and will respond to the person(s) making such requests.
4. For library materials, services and access to electronic information and licensed databases at the Dr. Martin Luther King, Jr. Library, the City Librarian may collaborate with or refer issues and/or decisions to the Dean of the San José State University Library.

*City of San José, California***COUNCIL POLICY**

TITLE	LIBRARY MATERIALS AND SERVICES	PAGE	POLICY NUMBER
		1 of 1	0-3
EFFECTIVE DATE	March 29, 1971	REVISED DATE	
APPROVED BY COUNCIL ACTION			March 29, 1971

BACKGROUND

Requests have been received at various times, by individuals or organizations, to remove books and other literature from the library which in the requestor's opinion were offensive to racial, religious or other groups.

Such requests required individual consideration as to the principle of free access to ideas and the setting of a precedent whereby books could be forced off the open shelves resulting in a form of censorship.

The Library Commission recommended to the City Council that the "Library Bill of Rights" as adopted by the American Library Association be adopted as the policy of the City of San José.

PURPOSE

It is the purpose of this policy to establish the guidelines to govern the services of the Library relative to the selection and placement of books and other Library materials in the Libraries.

POLICY

It is the policy of the City Council that the Libraries of the City of San José follow the "Library Bill of Rights" as adopted and amended June 27, 1967, by the American Library Association, as follows:

1. As a responsibility of library service, books and other library materials selected should be chosen for values of interest, information and enlightenment of all the people of the community. In no case should library materials be excluded because of the race or nationality or the social, political, or religious views of the authors.
2. Libraries should provide books and other materials presenting all points of view concerning the problems and issues of our times; no library materials should be proscribed or removed from libraries because of partisan or doctrinal disapproval.
3. Censorship should be challenged by libraries in the maintenance of their responsibility to provide public information and enlightenment.
4. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.
5. The rights of an individual to the use of a library should not be denied or abridged because of his age, race, religion, national origins or social or political views.
6. As an institution of education for democratic living, the library should welcome the use of its meeting rooms for socially useful and cultural activities and discussion of current public questions. Such meeting places should be available on equal terms to all groups in the community regardless of the beliefs and affiliations of their members, provided that the meetings be open to the public.