

NEW YORK LIBRARY ASSOCIATION

Intellectual Freedom Manual

Intellectual Freedom Committee

September 2013

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“The job of a citizen is to keep his mouth open.”

Gunter Grass

Introduction to the New Edition

When the previous edition of the Manual was released in 2002, librarianship was in the middle of a major battle to defeat the Children’s Internet Protection Act (CIPA). The President signed the bill into law on December 21, 2000 (Public Law 106-554). The law was permanently enjoined by a three-judge panel on May 30, 2002. The Supreme Court overturned the decision on June 23, 2003.

Here is a link to ALA web page – Litigation – which outlines the court cases against CIPA: <http://www.ala.org/advocacy/advleg/federallegislation/cipa/litigation>

Here is a link to the CIPA Legal FAQ, last updated in 2009:
<http://www.ala.org/advocacy/advleg/federallegislation/cipa/cipalegalfaq>

One of the most crucial constants is our profession’s commitment to intellectual freedom. It is a passionately felt commitment that has cost some of our colleagues their careers. Our belief in free speech, privacy, and the right to read and view, and our highly codified and articulated guidelines for practicing this belief, set us apart from any other profession. In the last three decades of librarianship, many of our most basic practices have become extinct or have changed so much that they are almost unrecognizable; yet our core values, and at the heart of them our fierce grasp on the power of intellectual freedom, make us unique.

Our core values drive our ongoing efforts to encourage and protect the free flow of information. These core values are the foundation upon which our libraries strive for transparency in our day-to-day operations.

We offer this revised manual to everyone concerned with creating and carrying out library policies and services. Whether you are a trustee, librarian, staff, friend or volunteer, as part of the library community you have taken on an obligation to become educated about intellectual freedom and library services. This applies to all types of libraries: academic, public, school and special. We also have an obligation to educate the larger community: university administrators, city or county executives and school boards, on the role of the library in supporting intellectual freedom and free speech. This education is an ongoing process, especially in a rapidly changing world with new information technologies.

“The first principle of a free society is an untrammelled flow of words in an open forum.”

Adlai Stevenson, 1962

NYLA and Intellectual Freedom

NYLA’s Commitment to Intellectual Freedom

The New York Library Association demonstrates its commitment to intellectual freedom through many avenues, but primarily through:

- An active Intellectual Freedom Committee that monitors current challenges, maintains this manual, conducts surveys and reports major intellectual freedom issues to NYLA Council,
- An Intellectual Freedom Roundtable, which all NYLA members are invited to join,
- A Defense Fund that provides financial aid for librarians who are threatened by loss of employment due to their stand on intellectual freedom, and
- An annual award and ceremony dedicated to honoring people and organizations who put themselves on the line to preserve intellectual freedom.

The NYLA Intellectual Freedom Committee

The President of NYLA appoints members and chairs to the NYLA Intellectual Freedom Committee (IFC). Chair appointments are for one year, from the end of the annual conference to the end of the following annual conference. Committee appointments expire at the end of conference of the year indicated.

The NYLA Intellectual Freedom Committee recommends to and interprets policy for NYLA, responds to threats to intellectual freedom involving libraries in New York State and supports other organizations that promote intellectual freedom in New York State and the nation. Specifically, the Intellectual Freedom Committee shall:

- Be informed of all current intellectual freedom issues and legislation occurring in New York State, and keep abreast of issues and legislation occurring outside New York State;
- Respond to and attempt correction of all infringements and violations by any individual group or library of the principles of intellectual freedom as set forth by the American Library Association in the *Library Bill of Rights*;
- NYLA’s IFC maintains a close relationship with ALA’s IFC;

- Act in concert with the Legislative Committee of NYLA to analyze and, as needed, act upon legislation that might have an impact on intellectual freedom;
- Upon request, consult with any librarian whose employment or position is threatened in an incident involving intellectual freedom and if necessary, refer the matter to the president of NYLA;
- Upon request assist other organizations in responding to infringements and violations of the principles of intellectual freedom
- Maintain a clearinghouse of information concerning intellectual freedom for the use of the Committee and other members of NYLA.

Seeking Assistance from the NYLA Intellectual Freedom Committee

The New York Library Association cannot provide legal counsel or direct funding to handle requests for reconsideration of materials but will, through its Intellectual Freedom Committee, offer the skills, experience and energy of its membership to defend established intellectual freedom principles.

To help it respond on behalf of libraries and librarians in New York who have received requests for reconsideration of items in their collections, the NYLA Intellectual Freedom Committee needs to be aware of such incidents. Any library staff, friend or trustee who knows of a problem is encouraged to contact the Chair of the NYLA/IFC. The NYLA/IFC Chair will advise you how to cope with the reported situation. The Chair may, if appropriate, refer you to a NYLA/IFC member with special experience or training by type of library (i.e., school, public, academic, special). Every effort will be made to respond to reported incidents with guidance that is timely, practical and effective. NYLA/IFC will never usurp the local librarian's prerogative to resolve their own problem as the local context deems suitable or necessary, and unless requested otherwise, confidentiality is assured.

Use the Incident Report and Request form in this manual to report incidents or request assistance. You may submit it by fax, mail, or email.

SirsiDynix Intellectual Freedom Award

The SirsiDynix Intellectual Freedom Award is an annual award recognizing the contribution of an individual or group who has actively promoted intellectual freedom in New York.

Each year, the NYLA/IFC seeks nominees for the award. Nominations may be made in writing to the NYLA/IFC. A form with criteria for selecting a recipient is included in this manual. The award is presented at the annual conference of the New York Library Association.

SirsiDynix Intellectual Freedom Award *continued*

Past recipients include:

- 2012** – Norman Siegel
- 2011** – American Booksellers Foundation for Free Expression (ABFFE)
- 2010** – National Coalition Against Censorship
- 2009** – Lewis Lapham, *Lapham's Quarterly*
- 2008** – Colette Titkin, Liberty Elementary School
- 2007** – Herbert Kurz, Presidential Life Insurance Company
- 2006** – Finkelstein Memorial Library
- 2005** – Todd Friedman
- 2004** – Madelyn Folino
- 2003** – Rockland Coalition for Democracy and Freedom
- 2002** – Lisa Distelburger
- 2002** – Jeanne Heifetz
- 2001** – Andrew Dancer
- 2000** – Dr. Jeffrey Bowen
- 1999** – Fran Aveta
- 1998** – Clifford Dietrich
- 1996** – Lancaster High School Library
- 1995** – William K. Sanford Colonie Town Library
- 1994** – Sam Simon
- 1993** – Anna Quindlan
- 1992** – Library Media Specialists of the Webster Central School District
- 1991** – Carol Reid
- 1990** – Dr. Sean A. Fanelli
- 1989** – Long Island Coalition Against Censorship
- 1988** – Marie Bruni
- 1987** – Merrick Public Library
- 1986** – David Cohen
- 1985** – Gerald R. Shields
- 1984** – Robert Trudell

The Intellectual Freedom Roundtable

The purpose of the Intellectual Freedom Round Table is to provide a forum for the membership of the New York Library Association in which to exchange information, develop special educational and informational programs, and provide support for the activities of the New York Library Association's Intellectual Freedom Committee in the promotion of freedom of acquisition, dissemination, and maintenance of library materials and services. The group uses as its basic statements of policy the *Library Bill of Rights*, the *Freedom to Read* statement, and the *Freedom to View* statement.

"A truly great library contains something in it to offend everyone."

Jo Godwin

Intellectual Freedom Checklist

The best defense is a well-prepared offense -- written policies, standardized procedures, informed trustees and staff.

Use this checklist to determine your library's level of preparedness.

DO YOU HAVE?

- A written mission statement defining the kinds of service the library will offer the community?
- Written policies that cover material selection, Internet use, programs, exhibits, and other services, as well as access to materials, acceptable use, and patron confidentiality, formally adopted by the governing body and periodically revised?
- Written procedures that include how to handle concerns and requests for reconsideration of materials or services?
- Readily available forms that can be given to concerned patrons?
- Copies of the New York Library Association and the American Library Association Intellectual Freedom Manuals?

DO YOU DO?

- Regular training of staff, volunteers, and trustees about the library's policies and the principals of intellectual freedom?
- Regular training of staff and volunteers in public service techniques, including how to handle complaints or expressions of concern?
- Public relations programs aimed at individuals and community groups to inform them of the materials and services provided by the library and how the community benefits from the library's practice of intellectual freedom?

DO YOU KNOW?

- Local, state, and federal laws regarding intellectual freedom?
- Local, state, and national organizations that are advocates of intellectual freedom and that have resources to assist libraries?
- Influential individuals in the community who may have a significant positive impact on the library?
- Groups or individuals in the community likely to initiate complaints or concerns regarding intellectual freedom?

Intellectual Freedom Checklist *continued*

DO YOU KEEP IN TOUCH?

- Encourage communication among school, public, and academic libraries in your area.
- Read newspapers, popular magazines, and professional journals, attend conferences, and watch the news.
- Know about local, regional, national, and global intellectual freedom issues.
- Be familiar with New York Library Association and American Library Association policies regarding intellectual freedom. These will assist your policy and procedure writing, and offer support in the case of a request for reconsideration.

DO YOU TELL THE WORLD?

- Don't wait until you have to defend the *Library Bill of Rights* -- PROMOTE IT! Don't wait for a request for reconsideration or Banned Books Week to broadcast the library's philosophy about intellectual freedom. Every day is a good day to promote free access to ideas and information for all people, regardless of age, origin, background, or views. Librarians know how powerful and effective intellectual freedom is; now we need to educate our communities.
- Get your governing body involved as well. As the political body representing the library, it is the ideal advocate for the library and for intellectual freedom.
- Cultivate good relations with journalists, particularly those who write for local newspapers, radio, or television.
- Initiate and maintain good relationships with civic, religious, educational, and political groups in your community. These organizations may be able to assist with outreach and be there with support in the case of a request for reconsideration. Intellectual freedom is everyone's issue.

Self-Censorship Checklist

Has your library ever...	yes	no
1. Not purchased material because a review or publisher's catalog indicated that it was for "mature readers," had explicit language or illustrations, or might be controversial?		
2. Not purchased a popular book because it might be unpopular with parents or pressure groups in the community?		
3. Not purchased material because of the origin, background or views of the author?		
4. Not purchased sex instruction materials from a conservative religious point of view because a staff member found them to be personally offensive?		
5. Not purchased magazines, videos, rock or rap music, or books because "they are so popular they might be stolen?"		
6. Not purchased material concerning minorities because "no one in our community is like that?"		
7. Not purchased a popular recording because of controversial lyrics or cover art?		
8. Purchased a potentially controversial book, but put it in the Adult collection rather than the Young Adult collection for which it was intended?		
9. Reviewed a potentially controversial item and recommended that it not be purchased because of lack of literary merit, even though other non-controversial materials in the collection also lacked literary merit?		
10. Checked a magazine for potentially controversial content, language, or illustrations, and then restricted access or removed it from the collection?		
11. Labeled controversial materials in order to "warn" or prejudice possible users?		
12. Restricted children's use of certain sections of the library (e.g., adult reading room), types of materials (e.g., videos), or services (e.g., interlibrary loan)?		
13. Placed potentially controversial materials in restricted areas so that patrons are required to request them?		
14. Denied library use to someone because of his or her age, gender, sexual orientation, ethnicity, political, or religious views?		
15. Set policies based on video or music producers' ratings to restrict access even though local ordinances don't prohibit use by minors?		
16. Responded to a challenge and removed objectionable material without going through a formal reconsideration of materials process?		
17. Cooperated in violating the right to privacy of your users by providing unauthorized access to their library records?		
18. Prohibited use of your meeting room or bulletin board to groups whose views you disagreed with?		

If you answered *yes* to any of these questions, it's time to review your intellectual freedom practices!

“The greatest dangers to liberty lurk in the insidious encroachments by men of zeal, well-meaning, but without understanding.”

Justice Louis Brandeis, 1928

When the Censor Comes Guidelines for Coping with Questions and Challenges

Despite your policies, procedures, and preparations the censor still may pose questions and challenges. The following suggestions and strategies may help you to defuse those situations.

1. Be calm, courteous and professional. Every question deserves an informed response.
2. Move confrontations out of the public service area. Refer all complaints to the most appropriate staff member.
3. Respect the sincerity of the patron’s concerns. Listen attentively. Remain silent rather than be argumentative.
4. Make sure you understand the exact nature of the complaint. Restate concerns to the patron to achieve absolute clarity.
5. Deal with each item separately. Keep the discussion focused on specifics of language, content, genre, accessibility, etc.
6. Explain the collection development, materials selection and reconsideration policies.
7. Provide a reconsideration form and describe the procedure and time frame for dealing with complaints.
8. Try to determine if the patron is acting independently or is an agent of an organized local or national campaign.
9. Keep a detailed written record of the incident.
10. Contact the director / administrator / board of trustees as soon as possible.
11. Alert the staff.

When the Censor Comes *continued*

12. Designate one, and only one, library spokesperson to inform, respond to and update local media and elected officials. Refer all calls and visitors to that person. The spokesperson must return all calls.
13. When speaking to the media, be concise. Present the facts – describe the nature of the complaint and summarize the materials selection policy -- and what action will be taken.
14. Ask for help from colleagues, community organizations, allies, Friends, etc. Encourage them to organize a highly visible and vocal anti-censorship, pro-library campaign. Acknowledge their help and thank them when it's over.

“Books won’t stay banned. They won’t burn. Ideas won’t go to jail. In the long run of history, the censor and the inquisitor have always lost.”

A. Whitney Griswold, 1959

After the Censor Comes

Take the time to figure out what happened, what follow up steps to take, and what may be needed to help in future challenges.

1. Review what happened, the actions taken, the interactions and the timeline. Get input from those involved.
2. Communicate what happened to library staff, volunteers, and members of the library’s governing body: trustees, school/academic administrators and affiliated organizations: Friends, parent-teacher associations. Use this as an opportunity to educate everyone about intellectual freedom and libraries.
3. Thank any individuals or organizations that provided assistance.
4. If the media became involved, communicate what happened to them. Emphasize the library’s mission and its role in supporting intellectual freedom.
5. Write to the individuals and/or organizations that posed the question or challenge. Thank them for their concern and explain the basis for the outcome.
6. Evaluate what happened and formulate a plan to reinforce skills and knowledge to deal with future challenges. Provide educational materials and workshops for anyone involved in formulating policies or providing library services: staff, volunteers, Friends, trustees, and administrators.
7. Promote activities that inform and educate the public regarding libraries and intellectual freedom: Banned Books Week, National Library Week, and Bill of Rights Day.
8. Support local, state and national organizations that share the library’s concerns regarding the intellectual freedom.

“Literature should not be suppressed merely because it offends the moral code of the censor.”

Justice William Douglas, 1957

Applicable Laws

See also the excerpts from library law on the website for the New York State Library Division of Library Development-- <http://www.nysl.nysed.gov/libdev/>

UNITED STATES CONSTITUTION

The following amendments to the Constitution guarantee protection of an individual's right to receive information and ideas and their right to privacy.

First Amendment

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; of the right of the people to peaceably assemble, and to petition the Government for a redress of grievances.

Fourth Amendment

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Fifth Amendment

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, or be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Ninth Amendment

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Applicable Laws continued

UNITED STATES CONSTITUTION

Tenth Amendment

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

Fourteenth Amendment

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

NEW YORK STATUTES

Education Law

§262. Use of Public and Indian Libraries

Every library established under section two hundred fifty-five of this chapter shall be forever free to the inhabitants of the municipality or district or Indian reservation, which establishes it, subject always to rules of the library trustees who shall have authority to exclude any persons who willfully violate such rules; and the trustees may, under such conditions as they think expedient, extend the privileges of the library to persons living outside such municipality or district or Indian reservation.

§264. Injuries to property

Whoever intentionally injures, defaces, or destroys any property belonging to or deposited in any incorporated library, reading-room, museum or other educational institution, shall be punished by imprisonment in a state prison for not more than three years, or in a county jail for not more than one year, or by a fine of not more than five hundred dollars, or both such fine and imprisonment.

Education Law

§260a Meetings of board of trustees

Every meeting, including a special district meeting, of a board of trustees of public library systems, cooperative library system, public library or free association library, including every committee meeting and subcommittee meeting of any such board of trustees in cities having a population of one million or more, shall be open to the general public. Such meetings shall be held in conformity with and in pursuance to the provisions of article seven of the public officers law.

§265. Detention

Whoever willfully detains any book, newspaper, magazine, pamphlet, manuscript or other property belonging to any public or incorporated library, reading-room, museum or other educational institution, for thirty days after notice in writing to return the same, given after the expiration of the time which by the rules of such institution, such article or property may be kept, shall be punished by fine of not less than one nor more than twenty-five dollars, or by imprisonment in jail not exceeding six months, and the said notice shall bear on its face a copy of this section.

Civil Practice Law and Rules

§ 4509. Library Records [Confidentiality]

Library records, which contain names or other personally identifying details regarding the users of public, free association, school, college and university libraries and library systems of this state, including but not limited to the circulation of library materials, computer database searches, interlibrary loan transactions, reference queries, requests for photocopies of library materials, films or records, shall be confidential and shall not be disclosed except that such records may be disclosed to the extent necessary for the proper operation of such library and shall be disclosed upon request or consent of the user or pursuant to subpoena, court order or where otherwise required by statute.

Public Officers Law. Freedom of Information Law

§87(2) Access to agency records.

Each agency shall, in accordance with its published rules, make available for public inspection and copying all records, except that such agency may deny access to records or portions thereof that: (a) are specifically exempted from disclosure by state or federal statute; (b) if disclosed would constitute an unwarranted invasion of personal privacy under the provisions of subdivision two of section eighty-nine of this article;

Penal Law

§235 (1) Obscenity; definitions of terms

Any material or performance is "obscene" if (a) the average person, applying contemporary community standards, would find that considered as a whole, its predominant appeal is to the prurient interest in sex, and (b) it depicts or describes in a patently offensive manner, actual or simulated: sexual intercourse, sodomy, sexual bestiality, masturbation, sadism, masochism, excretion or lewd exhibition of genitals, and (c) considered as a whole, it lacks serious literary, artistic, political and scientific value.

§235.10 Obscenity; presumptions

1. Any person who promotes or wholesale promotes obscene material, or possesses same with intent to promote or wholesale promote it, in the course of his business is presumed to do so with knowledge of its content and character.
2. A person who possesses six or more identical or similar obscene articles is presumed to possess them with intent to promote the same.

The provisions of this section shall not apply to public libraries or association libraries as defined in subdivision two of section two hundred fifty-three of the education law, or trustees or employees of such public libraries or association libraries when acting in the course, and scope of their duties or employment.

Penal Law

§235.15 Obscenity; defense

1. In any prosecution for obscenity, it is an affirmative defense that the persons to whom allegedly obscene material was disseminated, or the audience to an allegedly obscene performance, consisted of persons or institutions having scientific, educational, governmental or other similar justification for possessing or viewing the same.

§235.20 Disseminating indecent material to minors

"Harmful to minors" means that quality of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sado-masochistic abuse, when: (a) considered as a whole, appeals to the prurient interest in sex of minors; and (b) is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors, and (c) considered as a whole, lacks serious literary, artistic, political and scientific value for minors.

Chapter 600, An act to amend the penal law, in relation to disseminating indecent material to minors through any computer communication system.

§6 (1) applies to Section 235.22 of the penal law

A person is guilty of disseminating indecent material to minors in first degree when:

1. Knowing the character and content of the communication which, whole or in part, depicts actual or simulated nudity, sexual conduct, sado-masochistic abuse, and which is harmful to minors, he intentionally uses any computer communication system allowing the input, output, examination or transfer, of computer data or computer programs from one computer to another, to initiate in such communication with a person, who is a minor;

“All violations of essential privacy are brutalizing.”

Katharine Fullerton Gerould, 1920

Intellectual Freedom, Confidentiality and Privacy

Two concepts that support intellectual freedom are confidentiality and privacy:

1. Confidentiality exists when a library is in possession of personally identifiable information about users, for example: circulation records or Internet use logs, and keeps that information private on their behalf.
2. Privacy is the right to open inquiry without having the subject of one's interest examined or scrutinized by others.

Confidentiality and privacy foster an atmosphere of free intellectual inquiry. If users fear that their privacy or confidentiality is compromised, true freedom of inquiry no longer exists. Freedom of inquiry is an essential liberty.

Our profession's commitment to intellectual freedom is complemented by a commitment to facilitating, but not monitoring, access to information. Confidentiality and privacy are necessary for intellectual freedom and are fundamental to the ethics and practice of librarianship.

For further information on the relationship of confidentiality and privacy to intellectual freedom, see the American Library Association web page on Privacy and Confidentiality at:

<http://www.ala.org/advocacy/privacyconfidentiality/privacy/privacyconfidentiality>

“Books are for use.”

S.R. Ranganathan, 1931

Library Policies Related to Intellectual Freedom

A library’s policies:

- provide a mechanism for library managers and staff to translate the library’s service priorities into actions;
- serve as the primary tool for ensuring that all staff have the information they need to do their jobs effectively;
- provide a way to ensure that all members of the public know what they can expect from the library and that they are treated equitably;
- provide support for the library staff and members of the library’s governing body in the event of legal action.

The library’s commitment to intellectual freedom is clearly outlined in a set of well-defined, current policies, which provide a framework for the provision of programs and services to the public.

The Library Trustee Association of New York State maintains a policy database that will provide library trustees and staff a broad sample of current policies used by public libraries within the State. This database can be found at:

<http://librarytrustees.org/policies.php>

NYLA maintains a web page with links to library policies for public school and academic libraries. These can be found at:

http://www.nyla.org/max/4DCGI/cms/review.html?Action=CMS_Document&DocID=28&MenuKey=career

ALA maintains an online Privacy Toolkit which includes a model privacy policy at:

<http://www.ala.org/offices/oif/iftoolkits/toolkitsprivacy/privacy>

Policies that libraries should have in place related to intellectual freedom include, but are not limited to:

- Internet Access and Acceptable Use
- Materials Selection
- Reconsideration of Library Materials
- Privacy and Confidentiality
- Records Retention
- Bulletin Boards and Displays
- Meeting Room

“The yearning for freedom is relentless. The walls it cannot overwhelm it will nevertheless erode.”

Madeleine K. Albright, 2000

Core Resources, Organizations & Policy Archives

Note: Sometimes online resources move to new sites. If you have trouble following Internet links, use a good search engine--or contact a librarian for assistance!

Core Resources

American Library Association (ALA). Library Bill of Rights (LBOR)

<http://www.ala.org/advocacy/intfreedom/librarybill>

This web page provides a link to the full text of the LBOR. The LBOR is frequently misquoted; make sure you are familiar with it.

American Library Association (ALA). Interpretations of the Library Bill of Rights

<http://www.ala.org/advocacy/intfreedom/librarybill/interpretations>

This web page provides links to the interpretations of the LBOR and other resources.

ALA, Office of Intellectual Freedom (OIF). Intellectual Freedom Manual

In print through American Libraries Editions, there is an ALA web site designed to supplement the Eight Edition of the Manual available at:

<http://www.ifmanual.org/>

Organizations to Call On

New York Library Association (NYLA)

<http://www.nyla.org/>

6021 State Farm Road, Guilderland, NY 12084 | 518-432-6952 / 800-252-6952

E-mail: info@nyla.org

Your **first stop** when reporting a challenge or asking a question. At your request, NYLA will forward reported challenges to ALA.

American Library Association (ALA), Office for Intellectual Freedom (OIF)

<http://www.ala.org/offices/oif>

50 East Huron Street, Chicago IL 60611, 800-545-2433

E-mail: oif@ala.org

New York Civil Liberties Union (NYCLU)

<http://www.nyclu.org/>

125 Broad Street, New York, NY 10004, 212-607-3300

American Civil Liberties Union (ACLU)

<http://www.aclu.org/>

125 Broad Street, 18th Floor. New York NY 10004, 212-549-2500

Other Organizations

Electronic Frontier Foundation (EFF)

<http://www.eff.org/>

454 Shotwell Street, San Francisco, CA 94110, 415-436-9333

E-mail: info@eff.org

Works to protect fundamental rights and civil liberties of users of technology.

Freedom to Read Foundation (FTRF)

<http://www.ftrf.org/>

E-Mail: <http://www.ftrf.org/general/?type=CONTACT>

FTRF is a non-profit legal and educational organization affiliated with the ALA dedicated to protecting and defending the First Amendment to the Constitution and supporting the right of libraries to collect - and individuals to access - information.

LeRoy C. Merritt Foundation Fund

<http://www.merrittfund.org/>

An ALA fund that helps librarians who are denied employment rights based on discrimination or because of defense of intellectual freedom.

People for the American Way

<http://www.pfaw.org/>

2000 M Street, NW, Suite 400, Washington, DC 20036 202-467-4999, 800-326-7329

Dedicated to protecting equality, freedom of speech, freedom of religion, the right to seek justice in a court of law and the right to cast a vote that counts.

Online Library Policy Archives

ACQWeb's Directory of Collection Development Policies

http://www.acqweb.org/cd_policy.html

Library of Michigan. Four Tests for a Legally-Enforceable Policy

http://www.michigan.gov/libraryofmichigan/0,2351,7-160-18668_18689-54454--,00.html

WebJunction - Sample Library Policies

http://www.webjunction.org/apps/oclc/search?q=sample+library+policies&rt=http%3A%2F%2Fwww.webjunction.org%2Fcontent%2Fwebjunction%2Fsearch-results.html&site=WebJunction&client=WebJunction&start=0&num=10&lr=lang_en&rfilter=allfilter

WebJunction is dedicating to promoting learning for all library staff by providing an open, affordable online learning community.



New York Library Association
252 Hudson Avenue, Albany, NY 12210
phone: 518-432-6952 | fax: 518-427-1697

**Nomination Form for NYLA/SirsiDyNix
Intellectual Freedom Award**

Name & Address of Nominee: _____

Telephone: Business: () _____ Home: () _____

1. On attached additional sheets please describe in detail why you feel the nominee should receive the award, including information about:

- the duration of the nominee's support of intellectual freedom
- incidents that are especially noteworthy
- support from local and state organizations, community members, and others.

2. Please attach relevant supportive data such as newspaper articles, letters of recommendation, etc.

3. Please provide names, addresses and phone numbers of two (2) people who might be contacted to provide evidence of this nomination.

Name of Nominator: _____

Address: _____

City, State, Zip: _____ Phone: _____

Send nominations to: 6021 State Farm Road, Guilderland, NY 12084 |

The following criteria have been established for choosing a recipient for the NYLA/SIRS Intellectual Freedom Award:

1. Each nominee may be an individual, a group of individuals, or an organization.
2. The nominee should be engaged in an activity affecting information access in the State of New York.
3. Each nominee's efforts will have furthered the cause of intellectual freedom in the state.
4. Each nomination will be appropriately documented in news releases, supporting letters, etc.
5. It is not mandatory that the award be given annually.
6. A member of the Intellectual Freedom Committee may not be considered for the award.

The Intellectual Freedom Committee will solicit recommendations through a variety of regular library publications well ahead of the deadline date. Nomination forms will be made available through NYLA headquarters.

The deadline for submitting nominations is June 15. The Intellectual Freedom Committee will review the nominations and submit a recommendation by July 15 to the NYLA Council.

Previous winners:

Robert Trudell, 1984

Gerald R. Shields, 1985

David Cohen, 1986

Merrick Public Library, 1987

Marie Bruni, 1988

Long Island Coalition Against Censorship, 1989

Dr. Sean A. Fanelli, 1990

Carol Reid, 1991

Library Media Specialists of the Webster Central School District, 1992

Anna Quindlan, 1993

Sam Simon, 1994

William K. Sanford Town Library, 1995

The Lancaster Five, 1996

John B. Haney, 1997

Clifford Dietrich, 1998

Fran Aveta, 1999

Dr. Jeffrey Bowen, 2000

Andrew Dancer, 2001

Jeanne Heifetz, 2002

Lisa Distelburger, 2002

Rockland Coalition

for Democracy and Freedom, 2003

Madelyn Folino, 2004

Todd Friedman, 2005

Finkelstein Memorial Library, 2006

Herbert Kurz, Presidential Life Insurance Company, 2007

Colette Titkin, Liberty Elementary School, 2008

Lewis Lapham, *Lapham's Quarterly*, 2009

National Coalition Against Censorship, 2010

American Booksellers Foundation

for Free Expression (ABFFE), 2011

Norman Seigel, 2012

NYLA INTELLECTUAL FREEDOM COMMITTEE INCIDENT REPORT AND REQUEST FORM

Please use this form to report ANY Intellectual Freedom incident in your library, whether or not you request assistance from NYLA. Fax, mail or email the information to NYLA. Direct questions to the Intellectual Freedom Committee c/o the NYLA Executive Director. Incidents reported to NYLA will be treated with strict confidentiality except as otherwise authorized by the organization making the submission.

TO: Chair, Intellectual Freedom Committee
New York Library Association
6021 State Farm Road,
Guilderland, NY 12084
FAX: 518-427-1697
Email: director@nyla.org

FROM: _____
Name Title

Library Telephone

Street City, State

Zip Email Fax

TYPE LIBRARY: Public School Academic Special Other

DATE OF INCIDENT: _____

Was a formal request made for **confidential** library records? yes no
(If yes, please explain on back of form.)

Was the acquisition of special **material** challenged? yes no

Was the decision **not** to acquire/accept specific material challenged? yes no

Was the presentation of a **program or exhibit** challenged? yes no

Was the decision **not** to present a program or exhibit challenged? yes no

Were the Internet policy or acceptable use guidelines challenged? yes no

Information About the Challenged Item/Event:

Title: _____ Author/Artist/Performer: _____

Publisher: _____

Format (circle all that apply):

Format: Book Periodical Website Textbook Pamphlet Newspaper Student Publication
Media: Internet Video Audio Electronic Program Exhibit Display Other
Type: Program Exhibit Display Other

**NYLA INTELLECTUAL FREEDOM COMMITTEE
INCIDENT REPORT AND REQUEST FORM**

Continued From Page 1

The Challenge Was Initiated By:

Individual: Patron Staff Board Member Parent Teacher Administrator Other

Group: Local Regional National Religious Special Interest Government Other

Incident Background Information

Does the library have a written policy on confidentiality of patron records? ___ yes ___no
(If yes, please attach.)

Does the library have a written materials selection policy? ___ yes ___no
(If yes, please attach.)

Does the library have written procedures for the reconsideration of materials? ___ yes ___no
(If yes, please attach.)

Does the library have a written Internet policy and/or acceptable use guidelines? ___ yes ___no
(If yes, please attach.)

Have the procedures been followed? ___ yes ___no

Has an individual or group filed a written statement listing objections? ___ yes ___no
(If yes, please attach.)

Has the incident been reported by local media? ___ yes ___no
(If yes, please attach.)

What is the position of the Library/School/Other Board with respect to this incident?
(If there is a written position statement, please attach.)

What is the extent of local support?

Actions Following This Report

Do you wish assistance from NYLA? ___ yes ___no

May NYLA forward a summary of the incident to the ALA Office of Intellectual Freedom?* ___ yes ___no

May NYLA publish a report in the NYLA newsletter?* ___ yes ___no

***Note:** NYLA will assist you with this challenge, whether or not you agree to have this information made public. Information provided to ALA OIF is used to track patterns of challenges nation-wide. Information in the IFRT newsletter is used to alert New York librarians to patterns of challenges in the New York area.

“History does not long entrust the care of freedom to the weak or the timid.”

Dwight D. Eisenhower, 1953

Documents and Statements Relating to Intellectual Freedom

As a librarian, library employee, volunteer, trustee or administrator, you are part of the library community. The following statements express the underlying principles of freedom in providing library services.

American Library Association

Library Bill of Rights

<http://www.ala.org/advocacy/intfreedom/librarybill/>

Freedom to Read

<http://www.ala.org/advocacy/intfreedom/statementspols/freedomreadstatement>

Freedom to View

<http://www.ala.org/advocacy/intfreedom/statementspols/freedomviewstatement>

Filters and Filtering

<http://www.ala.org/advocacy/intfreedom/filtering>

Censorship & First Amendment Issues

<http://www.ala.org/advocacy/intfreedom/censorshipfirstamendmentissues>

All Interpretations of the Library Bill of Rights

<http://www.ala.org/advocacy/intfreedom/librarybill/interpretations>

Direct links to each Interpretation of the Library Bill of Rights

Access for Children and Young Adults to Nonprint Materials

<http://www.ala.org/advocacy/intfreedom/librarybill/interpretations/accesschildren>

Access to Digital Information Services and Networks

<http://www.ala.org/advocacy/intfreedom/librarybill/interpretations/accessdigital>

Access to Library Resources and Services Regardless of Sex Gender Identity, Gender Expression, or Sexual Orientation

<http://www.ala.org/advocacy/intfreedom/librarybill/interpretations/accesslibrary>

Documents and Statements

Relating to Intellectual Freedom continued

Direct links to each Interpretation of the Library Bill of Rights continued

Access to Resources in the School Library Media Program

<http://www.ala.org/advocacy/intfreedom/librarybill/interpretations/accessresources>

Challenged Materials

<http://www.ala.org/advocacy/intfreedom/librarybill/interpretations/challengedmaterials>

Diversity in Collection Development

<http://www.ala.org/advocacy/intfreedom/librarybill/interpretations/diversitycollection>

Economic Barriers to Information Access

<http://www.ala.org/advocacy/intfreedom/librarybill/interpretations/economicbarriers>

Evaluating Library Collections

<http://www.ala.org/advocacy/intfreedom/librarybill/interpretations/evaluatinglibrary>

Exhibit Spaces and Bulletin Boards

<http://www.ala.org/advocacy/intfreedom/librarybill/interpretations/exhibitspaces>

Expurgation of Library Materials

<http://www.ala.org/advocacy/intfreedom/librarybill/interpretations/expurgationlibrary>

Free Access to Libraries for Minors

<http://www.ala.org/advocacy/intfreedom/librarybill/interpretations/freeaccesslibraries>

Importance of Education to Intellectual Freedom

<http://www.ala.org/advocacy/intfreedom/librarybill/interpretations/importanceofeducation>

Intellectual Freedom Principles for Academic Libraries

<http://www.ala.org/advocacy/intfreedom/librarybill/interpretations/intellectual>

Labeling and Rating Systems

<http://www.ala.org/advocacy/intfreedom/librarybill/interpretations/labelingrating>

Library-Initiated Programs as a Resource

<http://www.ala.org/advocacy/intfreedom/librarybill/interpretations/libraryinitiated>

Meeting Rooms

<http://www.ala.org/advocacy/intfreedom/librarybill/interpretations/meetingrooms>

Minors and Internet Interactivity

<http://www.ala.org/advocacy/intfreedom/librarybill/interpretations/minorsinternetinteractivity>

Documents and Statements

Relating to Intellectual Freedom continued

Direct links to each Interpretation of the Library Bill of Rights continued

Privacy

<http://www.ala.org/advocacy/intfreedom/librarybill/interpretations/privacy>

Prisoners' Right to Read

<http://www.ala.org/advocacy/prisoners-right-read>

Restricted Access to Library Materials

<http://www.ala.org/advocacy/intfreedom/librarybill/interpretations/restrictedaccess>

Services to Persons with Disabilities

<http://www.ala.org/advocacy/intfreedom/librarybill/interpretations/servicespeopledisabilities>

Universal Right to Free Expression

<http://www.ala.org/advocacy/intfreedom/librarybill/interpretations/universalright>

Other Useful Resources

Choose Privacy Week

<http://chooseprivacyweek.org/>

Banned and Challenged Books

<http://www.ala.org/bbooks/bannedbooksweek>

End Quotes

“They that give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety.”

Benjamin Franklin, circa 1759

“Those who expect to reap the blessings of freedom, must, like men, undergo the fatigues of supporting it.”

Thomas Paine, 1777