



# Calm, Cool, and (legally) Collected:

## Tactics for Libraries Facing Book Challenges and Collection-based Protests

December 2, 2021, 1:00 PM EST

Presentation for ESLN by Stephanie A. Adams  
Law Office of Stephanie Adams, PLLC

## Goal of this session

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Frontline workers and library leadership have an easily-learned, coordinated playbook for facing challenges and protests in the moment.

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The background of the slide is a close-up, slightly blurred image of a stack of books. The spines of the books are visible, showing various colors like red, green, and blue. The text is overlaid on this background.

## Session attendees will:

- Be given a short refresher on WHY libraries must consistently address content protests and challenges
- Be given a very brief overview of the “challenge climate” nationwide
- Be briefly walked through how the legal structure of a library situates it to respond to content-based challenges and protests
- Be briefly familiarized with the purpose of collection and challenge policies
- Be brought through what documents and policies will inform a challenge and/or collection-based protest.
- Be walked through different types of challenges and collection-based protests
- Be walked through techniques for de-escalating and addressing content-based challenges and protests at any phase
- Be able to ask questions

# Presenter's relevant experience:

Worked as a page in a public library in high school

Worked in my college and law school libraries

Interned at the Comic Book Legal Defense Fund

Have worked in both print and broadcast journalism

Trained in the National Incident Management System (NIMS) for emergency response

Current law practice includes intellectual freedom, IP, and civil rights matters

Routinely advises boards and businesses in incident management

# Ground rules

This session will use hypothetical scenarios for educational purposes, but not hypothetical collection content.

This session will contemplate the complexities of challenging content but use careful language to discuss examples and real-world scenarios.

Questions as we go are welcome.

There will also be time at the end for questions, which participants can choose to vocalize or put in chat.

This session is also a chance for library professionals to come together on this issue; discussion and info-sharing in the Padlet is encouraged.

The session is being recorded.



# Why it is important to handle challenges and protests consistently

## 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.

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

*NOTE: On January 31, 2019 NYLA Council voted to reaffirm and endorse the ALA Code of ethics.*

# The current climate

ALA > About ALA > Affiliates, Chapters, Related Groups & Organizations > Other Groups & Organizations > LeRoy C. Merritt Humanitarian Fund

CONTACT CONGRESS

**Related Groups, Organizations, Affiliates & Chapters**

- Affiliates
- Chapters
- Related Groups & Organizations**

ALA-APA


- Freedom to Read Foundation
- Merritt Humanitarian Fund**

Merritt Humanitarian Fund Application

- Sister Libraries

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## LeRoy C. Merritt Humanitarian Fund



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The LeRoy C. Merritt Humanitarian Fund was established in 1970 as a special trust in memory of Dr. LeRoy C. Merritt. It is devoted to the support, maintenance, medical care, and welfare of librarians who, in the Trustees' opinion, are:

- Denied employment rights or discriminated against on the basis of gender, sexual orientation, race, color, creed, religion, age, disability, or place of national origin; or
- Denied employment rights because of defense of intellectual freedom; that is, threatened with loss of employment or discharged because of their stand for the cause of intellectual freedom, including promotion of freedom of the press, freedom of speech, the freedom of librarians to select items for their collections from all the world's written and recorded information, and defense of privacy rights.



How the legal nature of a library situates it to respond to challenges and protests





# The power of collection and challenge policies

## COLLECTION DEVELOPMENT POLICY

*This policy is a system-wide policy for application to all libraries within the Buffalo & Erie County Public Library System.*

### I. STATEMENT OF POLICY

The Buffalo & Erie County Public Library (B&ECPL) collection (collection) consists of print, audio visual, and electronic materials at its 37 locations and the Library on Wheels. The collection includes, but is not limited to, books, magazines, periodicals, large print titles, audiobooks, eBooks, eAudiobooks, music CDs, DVDs, Blu-ray Discs, and streaming media.

The responsibility for the collection rests with the B&ECPL Board of Trustees. The responsibility for selection of materials and collection maintenance rests with the Director, who delegates this task to qualified professional staff.

This Policy is intended to set forth the principles for selection, evaluation, and maintenance of the collection, and supporting tenets of the B&ECPL. It shall also provide guidance for the selection of materials to the general collection to meet the needs of the diverse communities served by the B&ECPL within budgetary and space limitations.



## Documents and policies to assemble

Charter

Bylaws

Plan of Service

Library Director Job Description

Collection Policy

Challenge Policy

Media Policy

All policies governing behavior at the library (Patron Code of Conduct, Visitor Code of Conduct, Vendor Code of Conduct, board meeting rules, lease and/or security contract if applicable, etc).



# The Playbook (session handout)

## **When challenged, remain CALM:**

Confirm you recognize the person's concern

Assure them it will be addressed

Listen; do not apologize or argue

Manage the situation according to law and policy



**When a challenge or protest manifests, after remaining CALM, your library or school should use its “Playbook” and past preparation to respond.**

No matter what "type" of situation is brewing, having a "Situation Response Plan" will reduce both legal risk and stress.

The worksheet and terminology in the handout set out a simple way for board members, directors, employees, legal counsel, and allies to create a flexible and responsive plan, and to practice it before it is ever needed.

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Practice being challenged?

What does that look like?

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## Scenario 1

### Gathering, Informal

A long-time patron sees a page, who is a local high school student, shelving a book with a theme the patron finds offensive. The patron says: "Who decided we should buy that book, anyway? It's gross."

The background of the slide is a grayscale image of an open book, viewed from above. The pages are fanned out, creating a sense of depth and texture. The lighting is soft, highlighting the edges of the pages. Overlaid on the left side of the book are two text elements: 'Scenario 2' and 'Gathering, formal'. A thin vertical white line separates this text from the main paragraph on the right.

## Scenario 2

Gathering,  
formal

A long-time patron sees a page, who is a local high school student, shelving a book with a theme the patron finds offensive. The patron says: "Who can I complain to about this gross book being the shelves of my library?"



## Scenario 3

Gathering,  
complicated

A long-time patron sees that the author of a book in the collection of the library will be presenting a talk at the library. The patron works with a few friends to organize a protest of the book. Two of the protestors are the parents of the page, a high school student who is under 18. At the protest, a reporter asks "*Did you know your child would be exposed to this at their after-school job?*"



## Scenario 4

Informal, Online

A community member posts in a local Facebook forum: "I was at the library today and I saw an underage worker handling the most disgusting book: [insert title here]. Who else is concerned? Sign my petition at [Change.org](https://www.change.org)."



## Scenario 5

Informal,  
In-person

A long-time patron sees a page, who is a local high school student, shelving a book with a theme the patron finds offensive. The patron says: "Who decided we should buy that book, anyway? It's gross. I want to talk to someone about this right now."



## Scenario 6

Formal, Online

The Director is enjoying dinner after a busy day when their husband says: "Uh...I should probably wait until after you eat to show you this, but I know you'll want to see it." Following a Facebook link to a Change.org page asking "for signatures of support," there is a link to a document with a challenge per the library's formal challenge policy.





## Scenario 7

Formal, In-person

A trio of patrons asks for an impromptu meeting with the Director to "talk about how books are chosen," and when told they will have to schedule a meeting, says "Just give us the complaint form" and they fill it out right there, then say, "Just give this to the Director."



## Scenario 8

Formal,  
Complicated

A patron files a formal challenge, but when informed by the Director of how the process will proceed, says: "That's not fast enough, that book is hurting babies right NOW. I am calling my son at the PD to come arrest you, you smut-peddler." Whereupon: she places a call.

## Scenario 9

Informal,  
Complicated

At a local school board meeting, a community member takes the microphone to say "I am sorry to say that not ONLY do we have to watch out for obscenity at the local library, but right here in the elementary school, too. I suggest we form a Parent Book Review Committee to review the purchase lists before our hard-earned tax dollars buy another book. If a board member doesn't support this, we'll vote you out!"



## Bonus Scenario

After any one of the other scenarios, a “challenger” asks for a digital (or printed) list of EVERY BOOK in the library.



# Managing and Addressing Book Challenges in Your Community: Law, Policy, Advocacy

Thursday, November 18, 2021

Posted by: Joyce McIntosh



**Managing and Addressing Book Challenges in Your Community: Law, Policy, Advocacy**

A webinar sponsored by the Freedom to Read Foundation (FTRF) and the American Library Association Office for Intellectual Freedom (ALA OIF)

Thursday, December 9, 2021

4-5:30 p.m. Eastern / 3 p.m. Central / 2 p.m. Mountain / 1 p.m. Pacific / 12p.m. Alaska /  
11 a.m. Hawaii

**Registration:**

Fill out and submit [this](#) registration form.

**SECTION 235.10  
Obscenity; presumptions  
Penal (PEN) CHAPTER  
40, PART 3, TITLE M,  
ARTICLE 235**

**<https://www.nysenate.gov/legislation/laws/PEN/235.10>**

**§ 235.10 Obscenity; presumptions.**

**1. A person who promotes or wholesale promotes obscene material, or possesses the 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.**





# THANK YOU!

This presentation is intended for use with a handout and should not be viewed without those written materials.

