

Protect The Right To Read: Neutrality, Challenges, and Censorship

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Webinar

Ready for the Challenge: Legal Measures

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Checkpoint 1 | preparation

Have a copy of your library's charter (and, if relevant, enabling legislation) handy.

Reason

The type of library and elements of the charter can impact your library's preparation and response, and Backup helping with preparation or response will need to refer to it.



Checkpoint 2 | preparation

Have a copy of your bylaws handy.

Reason

The "rules" your board operates by can impact your library's preparation and response, and Backup helping with preparation or response will need to refer to them.



Checkpoint 3 | preparation

Have a survey or map of your library's exact premises handy.

Reason

The boundaries of the property your library owns, leases, or occupies are important to know; the rights of every person involved in a Challenge or Aggressive Criticism can shift based on these boundaries, so it is important to know them.



Checkpoint 4 | preparation

Have a survey or map of your library's exact premises handy.

Reason

The boundaries of the property your library owns, leases, or occupies are important to know; the rights of every person involved in a Challenge or Aggressive Criticism can shift based on these boundaries, so it is important to know them.



Checkpoint 5 | preparation

Have a copy of the Library's FOIL (Freedom of Information Law) Policy handy and know who the Records Access Officer and FOIL Appeal Officer are.

Reason

More and more public libraries are being asked for records per FOIL. A policy and designated personnel to reply to requests are essential for compliance.



Checkpoint 6 | preparation

Have a copy of the Library's Collection Management (or "Development") Policy handy.

Reason

Materials Challenges will be addressed per this policy.



Checkpoint 7 | preparation

Have a copy of the Library's Programming Policy handy.

Reason

Programming Challenges will be addressed per this policy.



Checkpoint 8 | preparation

Have a copy of the Library's policies and procedures regarding room use handy.

Reason

While any library policy can become the focus of criticism, room use (or "facility use") policies are currently also a focus of attention.



Checkpoint 9 | preparation

Double-check that all meetings follow the requirements of the recently updates to the OML (Open Meetings Law).

Reason

All chartered libraries in New York State are required to follow the OML. Critics of a library may look to see if a board is following all the requirements (such as allowing recording during meetings).



Checkpoint 10 | preparation

Adopt a "Recording in the Library" policy that fits the needs of your unique library.

Reason

Libraries are places where, by law, users have an expectation of privacy. Designating certain areas within the library as free from recording during normal hours is well within the rights of every type of library. At the same time, creating spaces where recording and streaming are the norm is okay, too.



Checkpoint 11 | preparation

To the degree possible, train all front-line employees and volunteers on the information listed in this checklist, and give them time to practice de-escalation.

Reason

This type of training should be given a few times a year, since de-escalation, calm response, and following policy/protocol takes repetition.



Checkpoint 12 | preparation

By policy or protocol, know who will respond to media inquiries about a situation and who generates and authorizes statements on behalf of the library.

Reason

Policies and protocols of this type vary greatly; what's important is that the approach selected is realistic and works for your library.



Checkpoint 13 | preparation

Confer with local law enforcement about how they would address UCCC.

Reason

This is important to do in advance, since the desire of a library to use law enforcement, and the response of the agency, will vary wildly. The fact is, while de-escalation is always preferable, some extreme behaviors will call for a law enforcement response. By conferring in advance, a library can work through mission and response-related concerns.



Checkpoint 14 | preparation

Know your Backup.

Reason

In addition to law enforcement, maintain good connections to professionals and allies who will be ready to help when there is a Challenge, Aggressive Criticism, or UCCC. Ensure you are on the same page as them about Intellectual Freedom, your library's commitment to equal access, and how it addresses Aggressive Criticism and UCCC.



Checkpoint 15 | response

Safety first: if at any point there is a threat to safety, call in qualified Backup to assess the threat, and take appropriate action.

Reason

Threat Assessment can only be done by those trained to do it (law enforcement or security professionals).



Checkpoint 16 | response

Remember: while their motivations may not be aligned with your library's mission, people bringing challenges have a civil right to do so, even if the action turns into Aggressive Criticism. At the same time, remember that UCCC is UNACCEPTABLE.

Reason

At all times, it is important to remember library policy and accord with respect those expressing criticism. At the same time, criticism that turns into UCCC is unacceptable, and leadership must be ready to spot the difference and take appropriate action. This is a good time to use Backup (a library system leader, an HR professional, a lawyer).



Checkpoint 17 | response

When subjected to Aggressive Criticism or UCCC, use the tools of the trade.

Reason

Research as much as possible.



Checkpoint 18 | response

Call in Backup as needed.

Reason

The possible need for Backup is a good reason to have a contingency budget.



Checkpoint 19 | response

When Aggressive Criticism or UCCC happens, check in with those impacted.

Reason

Always remember that before anything else, people matter. Checking it with employees, volunteers, trustees, and others impacted by Aggressive Criticism and UCCC is essential.



Checkpoint 20 | after

After Aggressive Criticism/UCCC and all responses are over, take the time to review and "hot wash."

Reason

A "hot wash" is an after-action assessment of how things went, so a library can identify anything that might help the library do better in the future.



Checkpoint 21 | after

Be ready for your library's fans and critics to review this checklist and both use it and learn from it.

Reason

Vigilant public oversight and questioning of public institutions is a fine tradition in New York State, and the law supports people who are using the OML, FOIL, and other mechanisms for accountability and transparency.

Just as important is remembering that any abuse, threats, disorderly conduct, harassment, and failure to abide by library policy are **UNACCEPTABLE** and no person—and certainly not library boards—should tolerate them as tools of accountability and transparency.



The image in this presentation is

“Mishima Pass in Kai Province”

ca. 1830–32

by Katsushika Hokusai

a public domain work found at:

<https://www.metmuseum.org/art/collection/search/56786>

It's from the series *Thirty-six Views of Mount Fuji (Fugaku sanjūrokkei)*.

As the Met puts it:

“Expressing their exuberance and triumph at having reached the site of the ancient cryptomeria tree, three travelers embrace its enormous trunk. The contrast of the small human figures with the enormous natural forms reveals Hokusai's empathy with the pilgrims.”

