

## Notes from Policy Committee Meeting – March 22, 2017

Members of the JKPL Policy Committee met on Wednesday, March 22, 2017 at 5:45 pm. Present were Mary Jane Meade, chairperson; and members Mike Mullis, Joe Petsche, and Shirley Vonderhaar.

The committee reviewed the proposed changes in library policies to address library staff enforcing restrictions of library use requested by parents or guardians. After discussing and reviewing the information gathered from other libraries and the Iowa Law Librarian, the consensus of the committee is that the library policies should be amended to remove any statements that the library staff will enforce restrictions on library patrons. The intent of these changes is to clarify that the parent and legal guardians are responsible for implementing and enforcing any restrictions they might wish to place on their children; and that the library staff cannot enforce restrictions.

Policies under review are the Service and Circulation Policy and the Internet Access and Acceptable Use Policy, Policy on Electronic Intellectual Freedom, and Internet Access and Conduct.

### Service and Circulation Policies:

- Added statement that responsibility for restrictions rests solely with the parent and / or guardian.
- Amended library director to library administration
- Removed all statements regarding staff enforcing restrictions placed by parent and / or guardian

Internet Access and Acceptable Use Policy, Policy on Electronic Intellectual Freedom, and Internet Access and Conduct.

- Removed all statements regarding staff enforcing restrictions placed by parent and / or guardian

Copies of each policy tracking the proposed changes as well as a clean copy of each are included with these notes.

**James Kennedy Public Library  
Service and Circulation Policies**

3.A.1

**1. Library Hours:**

- a. The library will have regular business hours posted.
- b. The library may close for legal and / or city holidays; occasional library staff training; for inclement weather in accordance with library policy, or for other reasons as determined by the Board of Trustees of the JKPL.

**2. Registration:** Eligible applicants for library membership include:

- a. All residents of the city of Dyersville, and all non-resident individuals owning or renting property in the City of Dyersville, and their spouses and children.
- b. All residents of cities and / or counties having a contract with the James Kennedy Public Library.
- c. All those whose taxing bodies provide financial support for library service at a participating Open Access Library.
- d. All those who live outside of the City of Dyersville who pay the non-resident fee of \$96.00 per household or \$48.00 per individual. Residents of Dubuque County whose taxing body does not provide for library service are not eligible to purchase membership.
- e. Non-resident patron fees will be pro-rated at \$8.00 per month for a household, or \$4.00 per individual figured from the month of payment to the end of the fiscal year.
- f. Fees may be waived for those who meet Federal Income Assistance Guidelines, or those who work or volunteer regularly at the James Kennedy Public Library for an average of at least 50 hours per fiscal year. Anyone interested in this waiver may contact the Library Director for more information.
- g. Library cards are issued to individuals, with that individual being responsible for all items checked out using that card. Individuals may allow others to use their card by filling out a permission form or indicating these individuals on their library card application. Only residents of the same household or dependents (based on tax reporting) are eligible to use the same card.
- h. Library Cards may be issued to businesses meeting the above residence requirements if the business is owned by an individual. Cards will not be issued to legal entities such as partnerships or corporations. For businesses which meet the above requirements, an individual accepting responsibility for all lost and / or damaged items checked out on that card must be identified, as well as a list of all those who may utilize that card on behalf of the business. If the responsible individual has a personal library card, that library card must be in good standing before a library card will be issued to the business.
- i. Library cards may be issued to schools, daycares, senior centers and other similar institutions meeting the above residence requirements. For institutions which meet the above requirements, an individual accepting responsibility for all lost and / or damaged items checked out on that card must be identified, as well as a list of all those who may utilize that card on behalf of the institution for purposes relating to the operations of that institution. If the responsible individual has a personal library card, that library card must be in good standing before a library card will be issued to the institution.

- j. Signature of either parent or guardian is required on application \_\_\_\_\_cards for all applicants 17 years old or younger. Responsibility for and any restrictions of a child's use of library collections and services rests solely with his or her parents or legal guardian.

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### 3. Lending policies:

- a. All basic library services are free to all eligible patrons. Basic library services are defined as:
- i. Use of the library collection while within the facility.
  - ii. Checking out of materials physically located within the library facility, unless those materials are restricted to full-service patrons (for example, Launchpads and similar devices may only be checked out by full-service patrons).
- b. Dyersville City Residents, Residents of cities contracting with the Public Libraries of Dubuque County Agency or those contracting directly with the James Kennedy Public Library for service, and those who purchase memberships are eligible for full services. Full services are defined as:
- i. Full use of the library collection, including electronic collections and databases
  - ii. Interlibrary Loan Services
  - iii. Free Hold and Reserve Services
  - iv. Free Computer Use
  - v. Unlimited checkouts (unless other restrictions are placed by format, parents, guardians, and / or library director/administration.)
- c. Each patron is responsible for items checked out on his or her library card.
- d. New cardholders are limited to having a total of five (5) items on loan at a time, for a three-month period. After three months, if the new account is in good standing, the restrictions are removed and the cardholder will be considered a regular cardholder. If the new account is not in good standing at the end of the three-month period, this restricted status will continue for another three months. At the end of the second three months, the account will be reviewed by the ~~Library Director~~library administration to determine eligibility for regular cardholder status. Exceptions to these restrictions will be considered by the ~~library director~~administration on a case by case basis. New cardholders are not eligible for Interlibrary Loan.
- e. Patrons may be limited in the number of items they may have checked out at a time at the discretion of library administration if they consistently have overdue materials. Additional restrictions may be placed on a minor child's card by the ~~parent or guardian~~.
- f. Materials are checked out for the following loan periods:
- i. Equipment may be checked out for three (3) days
  - ii. DVDs, Videos, games, puppets, puzzles, and magazines are checked out for one (1) week
  - iii. Books, audiobooks, eReaders, tablets (including Launchpads) and other similar devices are checked out for two (2) weeks
  - iv. Please see the relevant policy for more details on renewals, restrictions, etc. as these vary by the type material.

- g. Interlibrary Loan Services are provided free of charge to full service patrons. Patrons who are not full service members are not eligible for Interlibrary Loan Services.
- h. Reserve services are provided free of charge to full service patrons. Patrons who are not full service members may pay a fee of \$1.00 per item to place a reserve.
- i. Most materials may be renewed if there is no reserve on them. New items may be renewed no more than twice before they must be returned to the library. Older items may be renewed up to four times before the item must be returned to the library.
- j. As the library does not wish to penalize anyone for using library services, overdue fines are not assessed. Patrons are expected to return their items when they are due or renew them as appropriate. Patrons with items that are more than three (3) weeks overdue will be blocked from checking out any additional materials until the issue is resolved. Items that are more than six (6) months overdue will be considered lost and the patron will be billed the cost for replacement.
- k. Each patron is responsible for all items checked out on his or her library card. If property is lost or damaged, the patron will be assessed a \$5.00 processing fee plus the cost of replacement.

### **3. Copying and Printing of Non-circulating Materials:**

To encourage use of reference materials, while reducing the damage to said materials, limited free photocopying of non-circulating materials will be provided. Patrons may photocopy (black and white only) up to five pages of informational text per patron per day without charge. Additional pages may be photocopied with the usual charges (\$0.15 for letter and \$0.20 for larger sizes) being assessed. This service applies only to items which are being used for informational purposes and which cannot be checked out from the library.

adopted 8/1988, revised 2/2001  
revised 2/2002, revised 6/06, revised 2/11,  
revised 9/2012, 2/2014, 12/2015, 4/2017

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adopted 8/1988, revised 2/2001  
revised 2/2002, revised 6/06, revised 2/11,  
revised 9/2012, 2/2014, 12/2015, 4/2017

**James Kennedy Public Library**  
**Internet Access and Acceptable Use Policy**

Public access to the Internet is provided by the James Kennedy Public Library as a supplement to other library materials, resources, and services. The Internet is a global electronic network of information with a highly diverse user population. The Internet and its resources may contain information that is inaccurate, controversial, or offensive. The James Kennedy Public Library has no control over the information accessed through the Internet and cannot be held responsible for its content. Patrons who find information or subject matter that is erroneous, out-of-date, illegal, offensive, and / or controversial should contact the original producer or distributor of that work directly.

Just as the library does not restrict access to other material forms and formats, we cannot refuse access to Internet content that someone may deem objectionable. The principles of intellectual freedom that apply to the traditional print library also apply to the modern digital library.

As with other library materials, restriction of a child's access to the Internet is the responsibility of the parent/legal guardian. Parents or guardians, not the library or its staff, are responsible for the Internet information selected and /or accessed by their child/children. Parents or guardians – and only parents or guardians – may restrict their child/children – and only their child/children – from access to Internet resources accessible through the library. For more information, please see our policy on *Electronic Intellectual Freedom*.

Parents may complete and sign a "Restrictions Form" if they would like to restrict their child's access to the library's public access computers.

The JKPL cannot guarantee confidentiality over the Internet. Patrons entering personal information (credit card numbers, social security numbers, etc.) do so at their own risk.

Library staff cannot provide in-depth training concerning Internet computer terminology or personal computer use. We may, however, be able to offer searching suggestions and answer questions. Internet reference books are available for your use.

Approved February 22, 1995, rev. 12/96, 2/98, 5/00, 2/02, 7/02,  
Reviewed 9/02, —revised 8/05, revised 2/2012, revised 4/2015,  
revised 4/2017

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JAMES KENNEDY PUBLIC LIBRARY  
POLICY ON ELECTRONIC INTELLECTUAL FREEDOM

Consistent with our mission and the professional principles of public librarianship, our Internet Access Policy affirms the safeguarding of First Amendment rights, intellectual freedom, equity of access, confidentiality of information about users and their use of all library resources including electronic. The library affirms the following principles and user rights as delineated in the American Library Association's Access to Digital Information, Services and Networks: an Interpretation of the Library Bill of Rights (full text attached):

1. Digital information, services, and networks provided by libraries should be readily, equally, and equitably accessible to all library users.
2. Libraries and librarians should not deny or limit access to information available via digital resources because of its controversial content or because of personal beliefs or fear of confrontation.
3. Information retrieved or utilized digitally should be considered constitutionally protected unless determined otherwise by a court with appropriate jurisdiction.
4. Responsibility for and any restrictions of, a child's use of the Internet rests solely with his or her parents or legal guardian.

Approved February 22, 1995, rev. 12/96, 2/98, 5/00, 2/02  
Reviewed 9/02, 8/05, 2/12, revised 4/2015, reviewed 4/2017:

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JAMES KENNEDY PUBLIC LIBRARY  
Internet Access and Conduct

1. Free access to the library's computers is available to Dyersville city residents, those who have purchased full service memberships, and residents of those communities who are paying equitably for library service as defined by the Board of Trustees of the James Kennedy Public Library. Those eligible for free computer use are encouraged to get a JKPL library card to expedite their use of the library's computers. All others may use the library computers by paying a fee of \$1.00 per half hour or any portion thereof. All users with library cards must be in good standing with the library to use the library's computers.
2. The Internet access computers are normally available during all hours of operation.
3. When logging in, users must enter a pin number and agree to the Internet Use Guidelines. Users are expected to understand and abide by these guidelines.
4. Reserve time is scheduled for one-hour per day. Users must check in within five (5) minutes of scheduled time or lose the reservation.
5. No more than two people may use a computer station at one time, except for adults with small children.
6. Use of the library's Internet for illegal or unethical purposes is prohibited. It is unacceptable to visit "adult only" sites on library computers. What is offensive to one person may not be to another, but the JKPL Board has determined that adult only sites (labeled as such on the site) are not appropriate in this setting.
7. Since the computers on which the public can access the Internet are located in a public area, which must be shared by library users of all ages, backgrounds and sensibilities, individuals are asked to consider this when accessing potentially controversial information and images. The library reserves the right to ask individuals to discontinue the display of information and images that cause a disruption. The library has privacy screens available for adults who wish to view personal or confidential information.
8. Patrons found violating this policy will be warned of the violation and repeat offenders will be asked to sign out of the library computers for the day. Repeat offenders may also be banned from computer use for a longer period of time.
9. Patrons are expected to abide by the JKPL Conduct in the Library Policy while in the library, including while using the library computers.

10. Patrons may download and / or save programs and documents to their own storage devices only. Compact discs or other portable storage devices may be available for purchase at the circulation desk for a minimal charge. The security on the library computers will automatically erase any information or documents saved onto the hard drive. Please note, software downloaded from the Internet may contain viruses. The James Kennedy Public Library is not responsible for damage to a patron's disk or computer, or for any loss of data, damage, or liability that may occur from the patron's use of the library's computer.
11. Cost of black and white printing is \$0.15 per page for letter size paper. Color printing is \$0.50 per page for letter size. Larger sizes are \$0.20 for black and white and \$1.00 for color.
12. Patrons may not always be able to access sites on the Internet. There are a number of reasons that may apply:
  1. The host computer has closed or limited access due to a high number of users.
  2. The database or resource you are trying to access is licensed and access is limited.
  3. The host computer has changed its Internet address or has closed down.
  4. The library's Internet connection may be periodically or temporarily inoperable due to technical difficulties.

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Library staff cannot provide in-depth training concerning Internet computer terminology or personal computer use. We may, however, be able to offer searching suggestions and answer questions. Internet reference books are available for your use.

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Reviewed 9/02, revised 8/05, revised 2/2012, revised 4/2015,  
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JAMES KENNEDY PUBLIC LIBRARY  
POLICY ON ELECTRONIC INTELLECTUAL FREEDOM

Consistent with our mission and the professional principles of public librarianship, our Internet Access Policy affirms the safeguarding of First Amendment rights, intellectual freedom, equity of access, confidentiality of information about users and their use of all library resources including electronic. The library affirms the following principles and user rights as delineated in the American Library Association's Access to Digital Information, Services and Networks: an Interpretation of the Library Bill of Rights (full text attached):

1. Digital information, services, and networks provided by libraries should be readily, equally, and equitably accessible to all library users.
2. Libraries and librarians should not deny or limit access to information available via digital resources because of its controversial content or because of personal beliefs or fear of confrontation.
3. Information retrieved or utilized digitally should be considered constitutionally protected unless determined otherwise by a court with appropriate jurisdiction.
4. Responsibility for and any restrictions of, a child's use of the Internet rests solely with his or her parents or legal guardian.

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2. The Internet access computers are normally available during all hours of operation.
3. When logging in, users must enter a pin number and agree to the Internet Use Guidelines. Users are expected to understand and abide by these guidelines.
4. Reserve time is scheduled for one-hour per day. Users must check in within five (5) minutes of scheduled time or lose the reservation.
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Reviewed 4/2017

You are at: ALA.org » ADVOCACY » Intellectual Freedom » Library Bill of Rights » Interpretations of the Library Bill of Rights » Access to Digital Information, Services, and Networks

# Access to Digital Information, Services, and Networks

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## An Interpretation of the LIBRARY BILL OF RIGHTS

### Introduction

Freedom of expression is an inalienable human right and the foundation for self-government. Freedom of expression encompasses the freedom of speech and the corollary right to receive information.<sup>1</sup> Libraries and librarians protect and promote these rights regardless of the format or technology employed to create and disseminate information.

The American Library Association expresses the fundamental principles of librarianship in its Code of Ethics as well as in the Library Bill of Rights and its Interpretations. These principles guide librarians and library governing bodies in addressing issues of intellectual freedom that arise when the library provides access to digital information, services, and networks.

Libraries empower users by offering opportunities both for accessing the broadest range of information created by others and for creating and sharing information. Digital resources enhance the ability of libraries to fulfill this responsibility.

Libraries should regularly review issues arising from digital creation, distribution, retrieval, and archiving of information in the context of constitutional principles and ALA policies so that fundamental and traditional tenets of librarianship are upheld. Although digital information flows across boundaries and barriers despite attempts by individuals, governments, and private entities to channel or control it, many people lack access or capability to use or create digital information effectively.

In making decisions about how to offer access to digital information, services, and networks, each library should consider intellectual freedom principles in the context of its mission, goals, objectives, cooperative agreements, and the needs of the entire community it serves.

### The Rights of Users

All library system and network policies, procedures, or regulations relating to digital information and services should be scrutinized for potential violation of user rights. User policies should be developed according to the policies and guidelines established by the American Library Association, including "Guidelines for the Development and Implementation of Policies, Regulations, and Procedures Affecting Access to Library Materials, Services, and Facilities."



Users' access should not be restricted or denied for expressing, receiving, creating, or participating in constitutionally protected speech. If access is restricted or denied for behavioral or other reasons, users should be provided due process, including, but not limited to, formal notice and a means of appeal.

Information retrieved, utilized, or created digitally is constitutionally protected unless determined otherwise by a court of competent jurisdiction. These rights extend to minors as well as adults ("Free Access to Libraries for Minors"; "Access to Resources and Services in the School Library Media Program"; "Access for Children and Young Adults to Nonprint Materials"; and "Minors and Internet Interactivity").<sup>2</sup>

Libraries should use technology to enhance, not deny, digital access. Users have the right to be free of unreasonable limitations or conditions set by libraries, librarians, system administrators, vendors, network service providers, or others. Contracts, agreements, and licenses entered into by libraries on behalf of their users should not violate this right. Libraries should provide library users the training and assistance necessary to find, evaluate, and use information effectively.

Users have both the right of confidentiality and the right of privacy. The library should uphold these rights by policy, procedure, and practice in accordance with "Privacy: An Interpretation of the Library Bill of Rights," and "Importance of Education to Intellectual Freedom: An Interpretation of the Library Bill of Rights."

## Equity of Access

The digital environment provides expanding opportunities for everyone to participate in the information society, but individuals may face serious barriers to access.

Digital information, services, and networks provided directly or indirectly by the library should be equally, readily, and equitably accessible to all library users. American Library Association policies oppose the charging of user fees for the provision of information services by libraries that receive support from public funds (50.3 "Free Access to Information"; 53.1.14 "Economic Barriers to Information Access"; 60.1.1 "Minority Concerns Policy Objectives"; 61.1 "Library Services for the Poor Policy Objectives"). All libraries should develop policies concerning access to digital information that are consistent with ALA's policies and guidelines, including "Economic Barriers to Information Access: An Interpretation of the Library Bill of Rights," "Guidelines for the Development and Implementation of Policies, Regulations and Procedures Affecting Access to Library Materials, Services and Facilities," and "Services to Persons with Disabilities: An Interpretation of the Library Bill of Rights."

## Information Resources and Access

Libraries, acting within their mission and objectives, must support access to information on all subjects that serve the needs or interests of each user, regardless of the user's age or the content of the material. In order to preserve the cultural record and to prevent the loss of information, libraries may need to expand their selection or collection development policies to ensure preservation, in appropriate formats, of information obtained digitally. Libraries have an obligation to provide access to government information available in digital format.

Providing connections to global information, services, and networks is not the same as selecting and purchasing materials for a library collection. Libraries and librarians should not

deny or limit access to digital information because of its allegedly controversial content or because of a librarian's personal beliefs or fear of confrontation. Furthermore, libraries and librarians should not deny access to digital information solely on the grounds that it is perceived to lack value. Parents and legal guardians who are concerned about their children's use of digital resources should provide guidance to their own children. Some information accessed digitally may not meet a library's selection or collection development policy. It is, therefore, left to each user to determine what is appropriate.

Publicly funded libraries have a legal obligation to provide access to constitutionally protected information. Federal, state, county, municipal, local, or library governing bodies sometimes require the use of Internet filters or other technological measures that block access to constitutionally protected information, contrary to the Library Bill of Rights (ALA Policy Manual, 53.1.17, Resolution on the Use of Filtering Software in Libraries). If a library uses a technological measure that blocks access to information, it should be set at the least restrictive level in order to minimize the blocking of constitutionally protected speech. Adults retain the right to access all constitutionally protected information and to ask for the technological measure to be disabled in a timely manner. Minors also retain the right to access constitutionally protected information and, at the minimum, have the right to ask the library or librarian to provide access to erroneously blocked information in a timely manner. Libraries and librarians have an obligation to inform users of these rights and to provide the means to exercise these rights.<sup>3</sup>

Digital resources provide unprecedented opportunities to expand the scope of information available to users. Libraries and librarians should provide access to information presenting all points of view. The provision of access does not imply sponsorship or endorsement. These principles pertain to digital resources as much as they do to the more traditional sources of information in libraries ("Diversity in Collection Development").

<sup>1</sup>Martin v. Struthers, 319 U.S. 141 (1943); Lamont v. Postmaster General, 381 U.S. 301 (1965); Susan Nevelow Mart, The Right to Receive Information, 95 Law Library Journal 2 (2003).

<sup>2</sup>Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969); Board of Education, Island Trees Union Free School District No. 26 v. Pico, 457 U.S. 853, (1982); American Amusement Machine Association v. Teri Kendrick, 244 F.3d 954 (7th Cir. 2001); cert.denied, 534 U.S. 994 (2001)

<sup>3</sup>"If some libraries do not have the capacity to unblock specific Web sites or to disable the filter or if it is shown that an adult user's election to view constitutionally protected Internet material is burdened in some other substantial way, that would be the subject for an as-applied challenge, not the facial challenge made in this case." United States, et al. v. American Library Association, 539 U.S. 194 (2003) (Justice Kennedy, concurring).

See Also: "Questions and Answers on Access to Digital Information, Services and Networks: An Interpretation of the Library Bill of Rights."

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