



Board Approved: 11/10/2022

Updated & Board approved: 7/13/2023

Reconsideration form & policy

CPL values your opinion. If you would like us to reconsider the presence of any library resource in our collection, please complete this form in its entirety, indicating as clearly and legibly as possible the nature of your concern. Once a decision has been reached, the requestor will be notified in writing. Results of this challenge will be disclosed to the public and published on our website. Your personal information will be redacted from the published results. *See policy on pg. 3 for further details.*

The person completing this form must reside within our Library tax district.

In addition, challenges specifically targeting children's materials, presentations, events, and displays will be limited to guardians of minor children cardholders within our library district.

You will find a map of our library district on our website: (www.centraliapubliclibrary.com). Go to the *About* dropdown menu at the top of our Home page and select *CPL Library district map*.

Name _____

Address _____

Phone number _____ Email _____

Is this request made on behalf of:

Yourself ___ An Organization ___ Name of organization _____

1) Resource on which you are commenting (*one per form please*):

Title _____

Author or Producer _____

Format - *Check all that apply*

Book ___ DVD ___ Audio ___ eBook/eAudio ___ Library program ___ Display ___

Other _____

2) Have you read, listened to, viewed or examined the entire resource? _____

3) **Please use the back of this page to detail what concerns you about the resource.**

Please be specific about your concerns.

Signature _____ Date _____

When completed, this form should be returned to: Library director, Centralia Public Library, 210 S. Jefferson St., Centralia, MO 65240

CPL Reconsideration Policy:

The Centralia Public Library (CPL) selects and acquires a wide variety of materials for access by library patrons. CPL seeks to provide information on all sides of every issue, including controversial ones. If a patron who resides in our library district objects, that patron may complete a **Reconsideration form**, outlining their concerns as concisely as possible. The Director will respond to the inquiry in writing. Results of each request for reconsideration will be published on our website, here:

<https://www.centraliapubliclibrary.com/policies--rights-of-library-users.html>

Personal identifying information will be redacted from the published results. If a patron is unsatisfied with the results, they may appeal in writing to the CPL Board of Trustees.

Duplicate challenges will not go through the entire reconsideration process unless there has been at least 6 months between challenges. (Ex. - Title A was challenged in May 2023 and another challenge for the same title was submitted in August 2023.) Requestor will be notified of the results, in writing, if this is the case.

The choice of library materials accessed by a library user is an individual matter. While a user may reject materials for personal use, one may not restrict access to those materials, or attendance to programs and events by other library users. Regarding children's access to library resources, CPL respects the right of parents and caregivers to determine what is or is not appropriate for their own child. Parents and caregivers are therefore responsible for monitoring card use and applying any restrictions they deem appropriate on their own child's access to library resources.

Please note that the presence of materials, programs, or events in the library collection does not indicate that CPL endorses the content of the items, programs, or events. CPL selects and removes materials for its collections in accordance with its Collection Development policy. Programs, presentations, displays and events are vetted and implemented using standard evaluation methods. See our Collection Development policy for details -

https://www.centraliapubliclibrary.com/uploads/1/3/8/2/138241276/collection_development_policy_1.pdf

Constitutional principles libraries work under regarding banning books, etc.:

- 1) Children also have 1st Amendment rights: *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503 (1969)
- 2) 1st Amendment rights include access to information: *Board of Education v. Pico*, 457 U.S. 853 (1982)
- 3) Suitability for minors must be judged according to appropriateness for the oldest minors (17 year olds) not younger ages: *American Booksellers Assn. v. Virginia*, 882 F.2d 125, 127 (4th Cir. 1989), cert. denied, 494 U.S. 1056 (1990) and *American Booksellers v. Webb*, 919 F.2d 1493, 1504-05 (11th Cir.), cert. denied, 494 U.S. 1056 (1990).

- 4) The value of the work must be considered as a whole, not just focus on the most worrying parts: *Miller v. California*, 413 U.S. 15 (1973)
- 5) Courts have laid out standards for censoring in any public forum, including a public library (“a limited or designated public forum”). See, e.g. *Sund v. City of Wichita Falls, Tex.*, 121 F. Supp. 2d 530, 547 (N.D. Tex. 2000).
 - a. Removal based on viewpoint is strictly prohibited.
 - b. If removal is based on content, governmental entity must establish that the removal of material meets strict scrutiny.
 - i. Strict scrutiny test: (1) compelling interest; (2) narrowly tailored to achieve compelling interest; and (3) no less restrictive alternative.

Board of Education v. Pico, 457 U.S. 853 (1982): “[i]f petitioners intended by their removal decision to deny respondents access to ideas with which petitioners disagreed, and if this intent was the decisive factor in petitioner’s decision, then petitioners have exercised their discretion in violation of the Constitution.” *Id.* At 871

Obscenity is defined in the “Miller test”: *Miller v. California*, 413 U.S. 15 (1973)

Test: (1) that the average person, applying “contemporary community standards” would find the work, as a whole, appeals to the “prurient interest,” (2) that the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law, and (3) that the work, taken as a whole, lacks serious literary, artistic, political or scientific value. *Miller v. California*, 413 U.S. 15 (1973)(emphasis added).

Harmful to Minors is defined: *Ginsberg v. New York*, 390 U.S. 629 (1968), and also see citations in point 3) above.

The test parallels the Miller test, but the considerations are in the context of offensiveness and serious value for minors. *Ginsberg v. New York*, 390 U.S. 629 (1968). Determination must be made in the context of whether the material would be harmful to the oldest of minors. Material cannot be deemed harmful to minors if it would be constitutionally protected for a seventeen-year-old even if one might conclude that it was “harmful” for a five-year old.