

# 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.
- III. We protect each library user's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted.
- IV. We respect intellectual property rights and advocate balance between the interests of information users and rights holders.
- V. We treat co-workers and other colleagues with respect, fairness, and good faith, and advocate conditions of employment that safeguard the rights and welfare of all employees of our institutions.
- VI. We do not advance private interests at the expense of library users, colleagues, or our employing institutions.
- VII. We distinguish between our personal convictions and professional duties and do not allow our personal beliefs to interfere with fair representation of the aims of our institutions or the provision of access to their information resources.
- VIII. We strive for excellence in the profession by maintaining and enhancing our own knowledge and skills, by encouraging the professional development of co-workers, and by fostering the aspirations of potential members of the profession.

Adopted June 28, 1997, by the ALA Council; amended January 22, 2008.

LOCAL GOVERNMENT CODE  
TITLE 4. FINANCES  
SUBTITLE B. COUNTY FINANCES  
CHAPTER 113. MANAGEMENT OF COUNTY MONEY  
SUBCHAPTER B. DEPOSIT OF MONEY

Sec. 113.022. TIME FOR MAKING DEPOSITS. (a) A county officer who receives funds shall deposit the funds with the county treasurer on or before the next regular business day after the date on which the funds are received. If this deadline is not met, the officer must deposit the funds, without exception, on or before the seventh business day after the day on which the funds are received. However, in a county with fewer than 50,000 inhabitants, the commissioners court may extend the period during which funds must be deposited with the county treasurer, but the period may not exceed 30 days after the date the funds are received.

(b) A county treasurer shall deposit the funds received under Subsection (a) in the county depository in accordance with Section 116.113(a). In all cases, the treasurer shall deposit the funds on or before the seventh business day after the date the treasurer receives the funds.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 836, Sec. 1, eff. September 1, 2007.

# *Library Bill of Rights*

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

- I. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.
- II. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.
- III. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.
- IV. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.
- V. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.
- VI. Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.

Adopted June 18, 1948.

Amended February 2, 1961; June 28, 1967; and January 23, 1980,  
inclusion of "age" reaffirmed January 23, 1996,  
by the ALA Council.

## MEETING ROOMS

### An Interpretation of the *LIBRARY BILL OF RIGHTS*

Many libraries provide meeting rooms for individuals and groups as part of a program of service. Article VI of the *Library Bill of Rights* states that such facilities should be made available to the public served by the given library "on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use."

Libraries maintaining meeting room facilities should develop and publish policy statements governing use. These statements can properly define time, place, or manner of use; such qualifications should not pertain to the content of a meeting or to the beliefs or affiliations of the sponsors. These statements should be made available in any commonly used language within the community served.

If meeting rooms in libraries supported by public funds are made available to the general public for non-library sponsored events, the library may not exclude any group based on the subject matter to be discussed or based on the ideas that the group advocates. For example, if a library allows charities and sports clubs to discuss their activities in library meeting rooms, then the library should not exclude partisan political or religious groups from discussing their activities in the same facilities. If a library opens its meeting rooms to a wide variety of civic organizations, then the library may not deny access to a religious organization. Libraries may wish to post a permanent notice near the meeting room stating that the library does not advocate or endorse the viewpoints of meeting or meeting room users.

Written policies for meeting room use should be stated in inclusive rather than exclusive terms. For example, a policy that the library's facilities are open "to organizations engaged in educational, cultural, intellectual or charitable activities" is an inclusive statement of the limited uses to which the facilities may be put. This defined limitation would permit religious groups to use the facilities because they engage in intellectual activities, but would exclude most commercial uses of the facility.

A publicly supported library may limit use of its meeting rooms to strictly "library-related" activities, provided that the limitation is clearly circumscribed and is viewpoint neutral.

Written policies may include limitations on frequency of use, and whether or not meetings held in library meeting rooms must be open to the public. If state and local laws permit private as well as public sessions of meetings in library, libraries may choose to offer both options. The same standard should be applicable to all.

If meetings are open to the public, libraries should include in their meeting room policy statement a section that addresses admission fees. If admission fees are permitted, libraries shall seek to make it possible that these fees do not limit access to individuals who may be unable to pay, but who wish to attend the meeting. Article V of the *Library Bill of Rights* states that "a person's right to use a library should not be denied or abridged because of origin, age, background, or views." It is inconsistent with Article V to restrict indirectly access to library meeting rooms based on an individual's or group's ability to pay for that access.

Adopted July 2, 1991, by the ALA Council.

[ISBN 8389-7550-X]

## EXHIBIT SPACES AND BULLETIN BOARDS

### *An Interpretation of the LIBRARY BILL OF RIGHTS*

Libraries often provide exhibit spaces and bulletin boards. The uses made of these spaces should conform to the *Library Bill of Rights*: Article I states, "Materials should not be excluded because of the origin, background, or views of those contributing to their creation." Article II states, "Materials should not be proscribed or removed because of partisan or doctrinal disapproval." Article VI maintains that exhibit space should be made available "on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use."

In developing library exhibits, staff members should endeavor to present a broad spectrum of opinion and a variety of viewpoints. Libraries should not shrink from developing exhibits because of controversial content or because of the beliefs or affiliations of those whose work is represented. Just as libraries do not endorse the viewpoints of those whose work is represented in their collections, libraries also do not endorse the beliefs or viewpoints of topics that may be the subject of library exhibits.

Exhibit areas often are made available for use by community groups. Libraries should formulate a written policy for the use of these exhibit areas to assure that space is provided on an equitable basis to all groups that request it.

Written policies for exhibit space use should be stated in inclusive rather than exclusive terms. For example, a policy that the library's exhibit space is open "to organizations engaged in educational, cultural, intellectual, or charitable activities" is an inclusive statement of the limited uses of the exhibit space. This defined limitation would permit religious groups to use the exhibit space because they engage in intellectual activities, but would exclude most commercial uses of the exhibit space.

A publicly supported library may designate use of exhibit space for strictly library-related activities, provided that this limitation is viewpoint neutral and clearly defined.

Libraries may include in this policy rules regarding the time, place, and manner of use of the exhibit space, so long as the rules are content neutral and are applied in the same manner to all groups wishing to use the space. A library may wish to limit access to exhibit space to groups within the community served by the library. This practice is acceptable provided that the same rules and regulations apply to everyone, and that exclusion is not made on the basis of the doctrinal, religious, or political beliefs of the potential users.

The library should not censor or remove an exhibit because some members of the community may disagree with its content. Those who object to the content of any exhibit held at the library should be able to submit their complaint and/or their own exhibit proposal to be judged according to the policies established by the library.

Libraries may wish to post a permanent notice near the exhibit area stating that the library does not advocate or endorse the viewpoints of exhibits or exhibitors.

Libraries that make bulletin boards available to public groups for posting notices of public interest should develop criteria for the use of these spaces based on the same considerations as those outlined above. Libraries may wish to develop criteria regarding the size of material to be displayed, the length of time materials may remain on the bulletin board, the frequency with which material may be posted for the same group, and the geographic area from which notices will be accepted.

Adopted July 2, 1991, by the ALA Council; amended June 30, 2004, by the ALA Council.

[ISBN 8389-7551-8]

# Privacy

## An Interpretation of the *Library Bill of Rights*

### Introduction

Privacy is essential to the exercise of free speech, free thought, and free association. The courts have established a First Amendment right to receive information in a publicly funded library.<sup>1</sup> Further, the courts have upheld the right to privacy based on the Bill of Rights of the U.S. Constitution.<sup>2</sup> Many states provide guarantees of privacy in their constitutions and statute law.<sup>3</sup> Numerous decisions in case law have defined and extended rights to privacy.<sup>4</sup>

In a library (physical or virtual), the right to privacy is the right to open inquiry without having the subject of one's interest examined or scrutinized by others. Confidentiality exists when a library is in possession of personally identifiable information about users and keeps that information private on their behalf.<sup>5</sup>

Protecting user privacy and confidentiality has long been an integral part of the mission of libraries. The ALA has affirmed a right to privacy since 1939.<sup>6</sup> Existing ALA policies affirm that confidentiality is crucial to freedom of inquiry.<sup>7</sup> Rights to privacy and confidentiality also are implicit in the *Library Bill of Rights*<sup>8</sup> guarantee of free access to library resources for all users.

### Rights of Library Users

The *Library Bill of Rights* affirms the ethical imperative to provide unrestricted access to information and to guard against impediments to open inquiry. Article IV states: "Libraries should cooperate with all persons and groups concerned with resisting abridgement of free expression and free access to ideas." When users recognize or fear that their privacy or confidentiality is compromised, true freedom of inquiry no longer exists.

In all areas of librarianship, best practice leaves the user in control of as many choices as possible. These include decisions about the selection of, access to, and use of information. Lack of privacy and confidentiality has a chilling effect on users' choices. All users have a right to be free from any unreasonable intrusion into or surveillance of their lawful library use.

Users have the right to be informed what policies and procedures govern the amount and retention of personally identifiable information, why that information is necessary for the library, and what the user can do to maintain his or her privacy. Library users expect and in many places have a legal right to have their information protected and kept private and confidential by anyone with direct or indirect access to that information. In addition,

Article V of the *Library Bill of Rights* states: "A person's right to use a library should not be denied or abridged because of origin, age, background, or views." This article precludes the use of profiling as a basis for any breach of privacy rights. Users have the right to use a library without any abridgement of privacy that may result from equating the subject of their inquiry with behavior.<sup>9</sup>

### Responsibilities in Libraries

The library profession has a long-standing commitment to an ethic of facilitating, not monitoring, access to information. This commitment is implemented locally through development, adoption, and adherence to privacy policies that are consistent with applicable federal, state, and local law. Everyone (paid or unpaid) who provides governance, administration, or service in libraries has a responsibility to maintain an environment respectful and protective of the privacy of all users. Users have the responsibility to respect each others' privacy.

For administrative purposes, librarians may establish appropriate time, place, and manner restrictions on the use of library resources.<sup>10</sup> In keeping with this principle, the collection of personally identifiable information should only be a matter of routine or policy when necessary for the fulfillment of the mission of the library. Regardless of the technology used, everyone who collects or accesses personally identifiable information in any format has a legal and ethical obligation to protect confidentiality.

### Conclusion

The American Library Association affirms that rights of privacy are necessary for intellectual freedom and are fundamental to the ethics and practice of librarianship.

---

<sup>1</sup> Court opinions establishing a right to receive information in a public library include *Board of Education v. Pico*, 457 U.S. 853 (1982); *Kreimer v. Bureau Of Police For The Town Of Morristown*, 958 F.2d 1242 (3d Cir. 1992); and *Reno v. American Civil Liberties Union*, 117 S.Ct. 2329, 138 L.Ed.2d 874 (1997).

<sup>2</sup> See in particular the Fourth Amendment's guarantee of "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures," the Fifth Amendment's guarantee against self-incrimination, and the Ninth Amendment's guarantee that "[t]he enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people." This right is explicit in Article Twelve of the Universal Declaration of Human Rights: "No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks." See: <http://www.un.org/Overview/rights.html>. This right has further been explicitly codified as Article Seventeen of the "International Covenant on Civil and Political Rights," a legally binding international human rights agreement ratified by the United States on June 8, 1992. See: [http://www.unhchr.ch/html/menu3/b/a\\_ccpr.htm](http://www.unhchr.ch/html/menu3/b/a_ccpr.htm).

<sup>3</sup> Ten state constitutions guarantee a right of privacy or bar unreasonable intrusions into citizens' privacy. Forty-eight states protect the confidentiality of library users' records by law, and the attorneys general in

---

the remaining two states have issued opinions recognizing the privacy of users' library records. See: <http://www.ala.org/alaorg/oif/stateprivacylaws.html>.

<sup>4</sup> Cases recognizing a right to privacy include: *NAACP v. Alabama*, 357 U.S. 449 (1958); *Griswold v. Connecticut*, 381 U.S. 479 (1965); *Katz v. United States*, 389 U.S. 347 (1967); and *Stanley v. Georgia*, 394 U.S. 557 (1969). Congress recognized the right to privacy in the *Privacy Act of 1974 and Amendments* (5 USC Sec. 552a), which addresses the potential for government's violation of privacy through its collection of personal information. The Privacy Act's "Congressional Findings and Statement of Purpose" state in part: "the right to privacy is a personal and fundamental right protected by the Constitution of the United States." See: [http://caselaw.lp.findlaw.com/scripts/ts\\_search.pl?title=5&sec=552a](http://caselaw.lp.findlaw.com/scripts/ts_search.pl?title=5&sec=552a).

<sup>5</sup> The phrase "Personally identifiable information" was established in ALA policy in 1991. See: *Policy Concerning Confidentiality of Personally Identifiable Information about Library Users* ([http://www.ala.org/alaorg/oif/pol\\_user.html](http://www.ala.org/alaorg/oif/pol_user.html)). Personally identifiable information can include many types of library records, for instance: information that the library requires an individual to provide in order to be eligible to use library services or borrow materials, information that identifies an individual as having requested or obtained specific materials or materials on a particular subject, and information that is provided by an individual to assist a library staff member to answer a specific question or provide information on a particular subject. Personally identifiable information does not include information that does not identify any individual and that is retained only for the purpose of studying or evaluating the use of a library and its materials and services. Personally identifiable information does include any data that can link choices of taste, interest, or research with a specific individual.

<sup>6</sup> Article Eleven of the *Code of Ethics for Librarians* (1939) asserted that "It is the librarian's obligation to treat as confidential any private information obtained through contact with library patrons." See: <http://www.ala.org/alaorg/oif/1939code.html>. Article Three of the current *Code* (1995) states: "We protect each library user's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired, or transmitted." See: <http://www.ala.org/alaorg/oif/ethics.html>.

<sup>7</sup> See these ALA Policies: *Access for Children and Young People to Videotapes and Other Nonprint Formats* ([http://www.ala.org/alaorg/oif/acc\\_chil.html](http://www.ala.org/alaorg/oif/acc_chil.html)); *Free Access to Libraries for Minors* ([http://www.ala.org/alaorg/oif/free\\_min.html](http://www.ala.org/alaorg/oif/free_min.html)); *Freedom to Read* (<http://www.ala.org/alaorg/oif/freeread.html>); *Libraries: An American Value* ([http://www.ala.org/alaorg/oif/lib\\_val.html](http://www.ala.org/alaorg/oif/lib_val.html)); the newly revised *Library Principles for a Networked World* (<http://www.ala.org/oitp/prinintro.html>); *Policy Concerning Confidentiality of Personally Identifiable Information about Library Users* ([http://www.ala.org/alaorg/oif/pol\\_user.html](http://www.ala.org/alaorg/oif/pol_user.html)); *Policy on Confidentiality of Library Records* ([http://www.ala.org/alaorg/oif/pol\\_conf.html](http://www.ala.org/alaorg/oif/pol_conf.html)); *Suggested Procedures for Implementing Policy on the Confidentiality of Library Records* (<http://www.ala.org/alaorg/oif/sugpolcn.html>).

<sup>8</sup> Adopted June 18, 1948; amended February 2, 1961, and January 23, 1980; inclusion of "age" reaffirmed January 23, 1996, by the ALA Council. See: <http://www.ala.org/work/freedom/lbr.html>.

<sup>9</sup> Existing ALA Policy asserts, in part, that: "The government's interest in library use reflects a dangerous and fallacious equation of what a person reads with what that person believes or how that person is likely to behave. Such a presumption can and does threaten the freedom of access to information." *Policy Concerning Confidentiality of Personally Identifiable Information about Library Users* ([http://www.ala.org/alaorg/oif/pol\\_user.html](http://www.ala.org/alaorg/oif/pol_user.html))

<sup>10</sup> See: *Guidelines for the Development and Implementation of Policies, Regulations and Procedures Affecting Access to Library Materials, Services and Facilities* ([http://www.ala.org/alaorg/oif/pol\\_reg.html](http://www.ala.org/alaorg/oif/pol_reg.html)).

**Adopted June 19, 2002, by the ALA Council.**

[ISBN 0-8389-8208-5]

# The USA Patriot Act in the Library

## Background

The Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 ("USA Patriot Act") became law on October 26, 2001. The legislation originated with Attorney General John Ashcroft, who asked Congress for additional powers that he claimed were needed to fight terrorism in the wake of the events of September 11, 2001. Few amendments were made to Ashcroft's initial proposal to Congress, and the bill became law without any hearings or markup by a Congressional committee.

The Patriot Act amended over 15 federal statutes, including the laws governing criminal procedure, computer fraud and abuse, foreign intelligence, wiretapping, immigration, and the laws governing the privacy of student records. These amendments expanded the authority of the Federal Bureau of Investigation and law enforcement to gain access to business records, medical records, educational records and library records, including stored electronic data and communications. It also expanded the laws governing wiretaps and "trap and trace" phone devices to Internet and electronic communications. These enhanced surveillance procedures pose the greatest challenge to privacy and confidentiality in the library.

## Enhanced Surveillance Provisions Affecting Library Confidentiality

### Section 215 Access to Records Under Foreign Intelligence Security Act (FISA)

- Allows an FBI agent to obtain a search warrant for "any tangible thing," which can include books, records, papers, floppy disks, data tapes, and computers with hard drives.
- Permits the FBI to compel production of library circulation records, Internet use records, and registration information stored in any medium.
- Does not require the agent to demonstrate "probable cause," the existence of specific facts to support the belief that a crime has been committed or that the items sought are evidence of a crime. Instead, the agent only needs to claim that he believes that the records he wants may be related to an ongoing investigation related to terrorism or intelligence activities, a very low legal standard.
- Libraries or librarians served with a search warrant issued under FISA rules may not disclose, under of penalty of law, the existence of the warrant or the fact that records were produced as a result of the warrant. A patron cannot be told that his or her records were given to the FBI or that he or she is the subject of an FBI investigation.
- Overrides state library confidentiality laws protecting library records.

Codified in law at 50 U.S.C. §1862.

#### Section 216: Relating to the Use of Pen Register and Trap and Trace Devices

- Extends the telephone monitoring laws (“pen register,” “trap and trace”) to include routing and addressing information for all Internet traffic, including email addresses, IP addresses, and URLs of web pages.
- State law enforcement agencies may apply for and obtain an order under this provision, which is not limited to the investigation of terrorism or foreign intelligence matters.
- Federal agents can obtain a nationwide court order for a wiretap from any federal court having jurisdiction over the offense under investigation.
- The officers and agents seeking warrants under the pen register statute only need to affirm that the information sought is relevant to a criminal investigation.
- Compels a recipient of a monitoring order to provide all necessary cooperation to law enforcement authorities to facilitate installation of the monitoring device, or provide the information to the investigating officer from their own records. The recipient cannot disclose that communications are being monitored.
- Libraries that provide access to the Internet and email service to patrons may become the target of a court order requiring the library to cooperate in the monitoring of a user’s electronic communications sent through the library’s computers or network.

Codified in law at 18 U.S.C. §§3121-3127

#### Section 214 Pen Register and trap and trace authority under FISA

- Extends the FBI’s telephone monitoring authority in FISA investigations (“pen register,” “trap and trace”) to include routing and addressing information for all Internet traffic, including email addresses, IP addresses, and URLs of web pages.
- As with Section 215, the agent only needs to claim that he believes that the records he wants may be related to an ongoing investigation related to terrorism or intelligence activities, a very low legal standard.
- As with Section 216, libraries that provide access to the Internet and email service to patrons may become the target of a court order.

Codified in law at 50 U.S.C. §1852

## Other Provisions of Interest That Do Not Directly Affect Libraries

### Section 218: Foreign intelligence information requirement for FISA authority.

- Amends FISA so that foreign intelligence or terrorism need only be "a significant purpose" of the investigation, rather than "the purpose" of the investigation. Relaxes the legal standard for FISA surveillance.

### Section 219: Single-Jurisdiction Warrants for Terrorism

### Section 220: National Search Warrants for Electronic Evidence

- Both provisions permit federal courts located in a district where a crime or act of terrorism has occurred to issue a court order that may be served and executed nationwide. Section 220 affects stored email and other electronic data.

### Section 206: Roving Surveillance Authority under FISA

- Permits the use of "roving wiretaps" in a FISA investigation, which allows the investigating agency to obtain a single court order to monitor the electronic communications of a person at any location or on any device, including email and Internet communications.
- The order need not identify the person or entity whose assistance is required for the monitoring. It is a generic order that may be presented at any time to a newly discovered service provider.
- Updates FISA to match federal wiretap laws that allow roving wiretaps.

---

Permission is granted to libraries to reproduce this in its entirety.

<http://www.ala.org/alaorg/oif/usapatriotlibrary.html>

American Library Association  
Office for Intellectual Freedom  
April 2002

# GUIDELINES FOR THE DEVELOPMENT OF POLICIES AND PROCEDURES REGARDING USER BEHAVIOR AND LIBRARY USAGE

## Introduction

Libraries are faced with problems of user behavior that must be addressed to ensure the effective delivery of service and full access to facilities. Library governing bodies should approach the regulation of user behavior within the framework of the *ALA Code of Ethics*, the *Library Bill of Rights* and the law, including local and state statutes, constitutional standards under the First and Fourteenth Amendments, due process and equal and equitable treatment under the law.

Publicly supported library service is based upon the First Amendment right of free expression. Publicly supported libraries are recognized as limited public forums for access to information. Courts have recognized a First Amendment right to receive information in a public library. Library policies and procedures that could impinge upon such rights are subject to a higher standard of review than may be required in the policies of other public services and facilities.

There is a significant government interest in maintaining a library environment that is conducive to all users' exercise of their constitutionally protected right to receive information. This significant interest authorizes publicly supported libraries to maintain a safe and healthy environment in which library users and staff can be free from harassment, intimidation, and threats to their safety and well-being. Libraries should provide appropriate safeguards against such behavior and enforce policies and procedures addressing that behavior when it occurs.

In order to protect all library users' right of access to library facilities, to ensure the safety of users and staff, and to protect library resources and facilities from damage, the library's governing authority may impose reasonable restrictions on the time, place, or manner of library access.

## Guidelines

The American Library Association's Intellectual Freedom Committee recommends that publicly supported libraries use the following guidelines, based upon constitutional principles, to develop policies and procedures governing the use of library facilities:

1. Libraries are advised to rely upon existing legislation and law enforcement mechanisms as the primary means of controlling behavior that involves public safety, criminal behavior, or other issues covered by existing local, state, or federal statutes. In many instances, this legal framework may be sufficient to provide the library with the necessary tools to maintain order.
2. If the library's governing body chooses to write its own policies and procedures regarding user behavior or access to library facilities, services, and resources, the policies should cite statutes or ordinances upon which the authority to make those policies is based.
3. Library policies and procedures governing the use of library facilities should be carefully examined to ensure that they embody the principles expressed in the *Library Bill of Rights*.
4. Reasonable and narrowly drawn policies and procedures designed to prohibit interference with use of the facilities and services by others, or to prohibit activities inconsistent with achievement of the library's mission statement and objectives, are acceptable.
5. Such policies and the attendant implementing procedures should be reviewed frequently and updated as needed by the library's legal counsel for compliance with federal and state constitutional requirements, federal and state civil rights legislation, all other applicable federal and state legislation, and applicable case law.

6. Every effort should be made to respond to potentially difficult circumstances of user behavior in a timely, direct, and open manner. Common sense, reason and sensitivity should be used to resolve issues in a constructive and positive manner without escalation.
7. Libraries should develop an ongoing staff training program based upon their user behavior policy. This program should include training to develop empathy and understanding of the social and economic problems of some library users.
8. Policies and regulations that impose restrictions on library access:
  - a. should apply only to those activities that materially interfere with the public's right of access to library facilities, the safety of users and staff, and the protection of library resources and facilities;
  - b. should narrowly tailor prohibitions or restrictions so that they are not more restrictive than needed to serve their objectives;
  - c. should attempt to balance competing interests and avoid favoring the majority at the expense of individual rights, or allowing individual users' rights to supersede those of the majority of library users;
  - d. should be based solely upon actual behavior and not upon arbitrary distinctions between individuals or classes of individuals. Policies should not target specific users or groups of users based upon an assumption or expectation that such users might engage in behaviors that could disrupt library service;
  - e. should not restrict access to the library by persons who merely inspire the anger or annoyance of others. Policies based upon appearance or behavior that is merely annoying or that merely generates negative subjective reactions from others, do not meet the necessary standard. Such policies should employ a reasonable, objective standard based on the behavior itself;
  - f. must provide a clear description of the behavior that is prohibited and the various enforcement measures in place so that a reasonably intelligent person will have both due process and fair warning; this description must be continuously and clearly communicated in an effective manner to all library users;
  - g. to the extent possible, should not leave those affected without adequate alternative means of access to information in the library;
  - h. must be enforced evenhandedly, and not in a manner intended to benefit or disfavor any person or group in an arbitrary or capricious manner.

The user behaviors addressed in these Guidelines are the result of a wide variety of individual and societal conditions. Libraries should take advantage of the expertise of local social service agencies, advocacy groups, mental health professionals, law enforcement officials, and other community resources to develop community strategies for addressing the needs of a diverse population.

Adopted by the Intellectual Freedom Committee

January 24, 1993; revised November 17, 2000; revised January 19, 2005

[ISBN 8389-7763]

# FREE ACCESS TO LIBRARIES FOR MINORS

## *An Interpretation of the LIBRARY BILL OF RIGHTS*

Library policies and procedures that effectively deny minors equal and equitable access to all library resources available to other users violate the *Library Bill of Rights*. The American Library Association opposes all attempts to restrict access to library services, materials, and facilities based on the age of library users.

Article V of the *Library Bill of Rights* states, "A person's right to use a library should not be denied or abridged because of origin, age, background, or views." The "right to use a library" includes free access to, and unrestricted use of, all the services, materials, and facilities the library has to offer. Every restriction on access to, and use of, library resources, based solely on the chronological age, educational level, literacy skills, or legal emancipation of users violates Article V.

Libraries are charged with the mission of developing resources to meet the diverse information needs and interests of the communities they serve. Services, materials, and facilities that fulfill the needs and interests of library users at different stages in their personal development are a necessary part of library resources. The needs and interests of each library user, and resources appropriate to meet those needs and interests, must be determined on an individual basis. Librarians cannot predict what resources will best fulfill the needs and interests of any individual user based on a single criterion such as chronological age, educational level, literacy skills, or legal emancipation.

Libraries should not limit the selection and development of library resources simply because minors will have access to them. Institutional self-censorship diminishes the credibility of the library in the community, and restricts access for all library users.

Children and young adults unquestionably possess First Amendment rights, including the right to receive information in the library. Constitutionally protected speech cannot be suppressed solely to protect children or young adults from ideas or images a legislative body believes to be unsuitable for them.<sup>1</sup> Librarians and library governing bodies should not resort to age restrictions in an effort to avoid actual or anticipated objections, because only a court of law can determine whether material is not constitutionally protected.

The mission, goals, and objectives of libraries cannot authorize librarians or library governing bodies to assume, abrogate, or overrule the rights and responsibilities of parents. As "Libraries: An American Value" states, "We affirm the responsibility and the right of all parents and guardians to guide their own children's use of the library and its resources and services." Librarians and governing bodies should maintain that parents—and only parents—have the right and the responsibility to restrict the access of their children—and only their children—to library resources. Parents who do not want their children to have access to certain library services, materials, or facilities should so advise their children. Librarians and library governing bodies cannot assume the role of parents or the functions of parental authority in the private relationship between parent and child.

Lack of access to information can be harmful to minors. Librarians and library governing bodies have a public and professional obligation to ensure that all members of the community they serve have free, equal, and equitable access to the entire range of library resources regardless of content, approach, format, or amount of detail. This principle of library service applies equally to all users, minors as well as adults. Librarians and library governing bodies must uphold this principle in order to provide adequate and effective service to minors.

<sup>1</sup>See Erznoznik v. City of Jacksonville, 422 U.S. 205 (1975)—“Speech that is neither obscene as to youths nor subject to some other legitimate proscription cannot be suppressed solely to protect the young from ideas or images that a legislative body thinks unsuitable [422 U.S. 205, 214] for them. In most circumstances, the values protected by the First Amendment are no less applicable when government seeks to control the flow of information to minors. See Tinker v. Des Moines School Dist., *supra*. Cf. West Virginia Bd. of Ed. v. Barnette, 319 U.S. 624 (1943).”

Adopted June 30, 1972; amended July 1, 1981; July 3, 1991, June 30, 2004, by the ALA Council.

[ISBN 8389-7549-6]

# Statement of Cooperation

Cooke County Library and North Central Texas College Library endeavor to cooperate in serving the citizens of Cooke County and the students of North Central Texas College. However, since neither library attempts to duplicate the collection of the other and since each library has different purposes for existing and different goals, the two collections inevitably contain different materials.

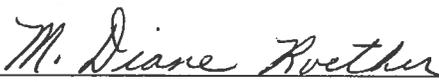
Therefore, in order to make both collections accessible to the citizens of Cooke County and the students of North Central Texas College, the libraries agree to the following:

1. Students of North Central Texas College who are permanent residents of Cooke County are eligible to use and check out materials from Cooke County Library in accordance with that library's established policies and procedures.
2. Any resident of Cooke County who is eighteen (18) years of age or older is eligible to use and check out materials from North Central Texas College Library in accordance with that library's established policies and procedures.
3. Students of North Central Texas College who are not permanent residents of Cooke County are eligible to check out materials belonging to Cooke County Library, with the exception of audiovisual equipment and/or programs, periodicals, genealogical materials, reference materials, microforms, and other items designated by Cooke County Library, when they meet the following conditions:
  - 3.1.1. The student shall present a valid, current TexShare card issued by North Central Texas College Library.
  - 3.1.2. The student shall present a valid, current identification card from North Central Texas College.
  - 3.1.3. The student shall agree to observe the circulation policies of Cooke County Library with regard to date due.
  - 3.1.4. The student shall agree to observe the fine policy established by Cooke County Library for any items returned late to Cooke County Library.
  - 3.1.5. The student shall agree to observe the fee policy established by Cooke County Library for any Cooke County Library materials that the student does not return or for any Cooke County Library materials that the student returns in a damaged condition.
4. Upon notification from the Director of Cooke County Library that a North Central Texas College student who is not a permanent resident of Cooke County has an overdue book and/or a library fine of one dollar (\$1) or more, North Central Texas College Library shall place a hold on the circulation and permanent academic record of that student. The staff at the Cooke County Library shall notify North Central Texas College Library staff members when the circulation record has been cleared and the hold on the student's record will be removed.
  - 4.1.1. For any lost or damaged-beyond-repair library materials which were not paid by North Central Texas College students who are not permanent residents of Cooke County, the following shall apply:

- 4.1.1.1. By the end of October of each year, the Director of Library Services at North Central Texas College, upon receipt of an itemized listing, shall remit payment in the amount paid by Cooke County Library to acquire the item, plus applicable processing fees, or the amount of the current replacement price, if listed in *Books In Print* or any other reputable acquisitions source, for any lost or damaged-beyond-repair library materials in which payment was not received by the student.
- 4.1.1.2. If any lost Cooke County Library materials for which North Central Texas College Library has made payment are subsequently returned to Cooke County Library, the purchase amount for the item or items shall be refunded or credited to North Central Texas College. By October 1<sup>st</sup> of each year, Cooke County Library will notify North Central Texas College Library of the refund or credit amount.
5. By October 1<sup>st</sup> of each year, Cooke County Library and North Central Texas College Library shall exchange circulation statistics indicating the total number of items circulated to TexShare patrons of the other library.
6. Both Cooke County Library and North Central Texas College Library are participants in the TexShare Card program provided through the Texas State Library and Archives Commission and have agreed to the provisions of this program. Should either Cooke County Library or North Central Texas College Library cease participation in the TexShare Card program, the other library will be notified of this change in status.
7. The Directors of Cooke County Library and North Central Texas College, or their designated representatives, shall meet annually to review, to evaluate, and to modify this agreement, as needed.
8. This Statement of Cooperation supersedes any previous Statement of Cooperation.

  
Jennifer L. Johnson-Spence  
Director  
Cooke County Library

Date Signed: 6/2/08

  
M. Diane Roether  
Director of Library Services  
North Central Texas College

Date Signed: June 2, 2008

**Cooke County Commissioners' Court Order**  
**No. 10-24-11.03**  
**Cooke County Courthouse and Surrounding Properties**  
**Smoking Policy**

**Whereas**, Cooke County Commissioners' Court recognizes the hazards to health and environment created by the use of tobacco products; and

**Whereas**, out of concern for the health, safety and well-being of county employees and the general public, the Court shall set forth a smoking policy for the Cooke County Courthouse and surrounding grounds; and

**Whereas**, extensive medical and scientific research confirms that tobacco smoke is harmful to smokers and non-smokers alike, causing eye, nose, throat and head irritations, aggravating lung and heart diseases, including emphysema, and is linked to various types of cancers; and

**Whereas**, extensive research shows that smoking in the workplace causes loss in employee productivity, increases in employee accident rates and absenteeism, increases in employer medical costs, greater threats of fire damage, and other detriments to public and private property; and

**Whereas**, recent court decisions and legal actions show an increasing trend to hold employers liable for personal injuries, disabilities, or other job related ailments suffered by employees posed by tobacco smoke in the workplace; and

**Whereas**, the Cooke County Commissioners' Court has the authority to designate the Cooke County Courthouse and surrounding grounds as "non-smoking" areas; and

**Whereas**, it is in the best interest of all county employees, the public, and the county to adopt a comprehensive ordinance regulating smoking at the Cooke County Courthouse and surrounding grounds, establishing rights and duties related thereto, and providing penalties and enforcements of such regulations.

**NOW THEREFORE BE IT ORDERED**, that the Cooke County Commissioners' Court hereby orders:

1. That the Cooke County Courthouse and surrounding grounds shall be "non-smoking" areas.
2. This policy shall apply to all employees, elected and appointed officials, and the general public.

**Signed and approved this 10<sup>th</sup> day of October 2011.**

\_\_\_\_\_  
**John O. Roane, Cooke County Judge**

\_\_\_\_\_  
**Gary Hollowell, Commissioner, Pct.1**

\_\_\_\_\_  
**B. C. Lemons, Commissioner, Pct. 2**

\_\_\_\_\_  
**Al Smith, Commissioner, Pct.3**

\_\_\_\_\_  
**Leon Klement, Commissioner, Pct. 4**

**ATTEST:**

\_\_\_\_\_  
**Rebecca Lawson, Cooke County Clerk**