

Fundamentals of Intellectual Freedom

1) What is Intellectual Freedom?

"Intellectual Freedom is the right of every individual to both seek and receive information from all points of view without restriction. It provides for free access to all expressions of ideas through which any and all sides of a question, cause or movement may be explored. Intellectual freedom encompasses the freedom to hold, receive and disseminate ideas."

-Intellectual Freedom and Censorship Q & A from the American Library Association
<http://www.ala.org/ala/oif/basics/intellectual.cfm>

The Intellectual Freedom Policy Statement from the Ohio Library Council
<http://www.ohio.org/pdf/Intellectualfreedompolicy.pdf>

American Library Association's Office for Intellectual Freedom
<http://www.ala.org/Template.cfm?Section=oif>

Library Bill of Rights from the American Library Association
<http://www.ala.org/ala/oif/statementspols/statementsif/librarybillrights.htm>

First Amendment of the Bill of Rights to the United States Constitution, American Library Association site with related links
<http://www.ala.org/ala/oif/firstamendment/firstamendment.htm>

Ohio Library Council Intellectual Freedom Committee
<http://www.ohio.org/IntellectualFreedom.asp>

2) Censorship / Challenges

One of the most common threats to Intellectual Freedom in libraries comes in the form of challenges to library resources and materials. One of the main goals of the OLC Intellectual Freedom Committee is to help keep you informed about potential threats to intellectual freedom and to provide practical support for challenges to access to information. We believe that the best way to protect the intellectual freedom rights of your patrons is to be thoroughly prepared for challenges with effective strategies backed by solid policies. To help in this effort, we offer several programs, including our signature presentations "Meeting the Challenge" and "The First Thirty Seconds," specifically designed to provide frontline staff with tools and strategies for dealing with common challenges.

"Meeting the Challenge"

This program includes:

- information on intellectual freedom issues that come up most frequently;
- a group activity about challenged titles with participants taking various roles; and
- self-evaluation questionnaires to see how your library policies address children's and YA needs, meeting room use, and patron confidentiality.

“The First Thirty Seconds”

This program includes:
an overview of intellectual freedom issues and the right to access information;
practical tips for front-line staff to defuse tense situations; and
real-life scenarios and practice exercises.

If you would like either program presented to your staff, Friends of the Library, or Board of Trustees, please contact a member of the OLC’s Intellectual Freedom Committee (<http://www.olic.org/IntellectualFreedom.asp>) or the OLC (olic@olic.org).

Resources:

Checklist & Ideas for Library Staff Working with Community Leaders

<http://www.ala.org/Template.cfm?Section=dealing&Template=/ContentManagement/ContentDisplay.cfm&ContentID=77091>

Conducting a Challenge Hearing

<http://www.ala.org/Template.cfm?Section=dealing&Template=/ContentManagement/ContentDisplay.cfm&ContentID=77094>

Coping with Challenges

<http://www.ala.org/Template.cfm?Section=dealing&Template=/ContentManagement/ContentDisplay.cfm&ContentID=77096>

Dealing with Concerns about Library Resources

<http://www.ala.org/Template.cfm?Section=dealing&Template=/ContentManagement/ContentDisplay.cfm&ContentID=77100>

3) Internet Access & Filtering

The Internet provides unprecedented access to a wealth of information. Today, more and more library users rely on Internet access to meet their information needs. As such, the same rights to seek and receive information without restriction that have traditionally applied to print sources in libraries must also be applied to the Internet. This principle was supported in 1997 by *Reno v. American Civil Liberties Union* when the Supreme Court ruled that the Internet should be afforded the same First Amendment protections as traditional print media. Being for the most part publicly funded institutions, libraries have a legal obligation to provide access to constitutionally protected speech.

The right of individuals to access constitutionally protected speech informs ALA's opposition to filtering programs and software. Over the years, filters have been shown time and again to be too blunt (by blocking legitimate sites), too porous (by letting objectionable sites through), and often incapable of providing the safety they promise. Instead of utilizing filters to address the issue of safety on the Internet, ALA suggests that education, parental involvement, and behavior-based Internet Use Policies provide a more effective and farsighted strategy.

A well-crafted Internet Use Policy can go a long way toward affirming both the library's commitment to access and its concern for its users' safety. The ALA Office of Intellectual Freedom Web site contains a detailed look at Filters and Filtering (<http://www.ala.org/Template.cfm?Section=ifissues&Template=/ContentManagement/ContentDisplay.cfm&ContentID=77636>) as well as related issues. Additionally there are guidelines provided for drafting an Internet Use Policy (<http://www.ala.org/ala/oif/ifissues/issuesrelatedlinks/internetusepolicies.cfm>) that will help protect patrons' rights to access constitutionally protected information.

4) Children & Teens

Children and teens have First Amendment

(<http://www.ala.org/ala/oif/firstamendment/firstamendment.cfm>) rights, including the right to receive information in the library. 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." 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.

Library policies and procedures that effectively deny children and teens equal and equitable access to all library resources available to other users violate the Library Bill of Rights (<http://www.ala.org/ala/oif/statementspols/statementsif/librarybillrights.cfm>). Decisions about what materials are suitable for particular children can only be made by the people who know them best—their parents or guardians. Policies and regulations that impose restrictions on library access should be based only upon actual behavior and should not target specific groups of users, such as children and teens, based upon an assumption that such users might engage in behaviors that could disrupt library service.

The Supreme Court has said that states may deem certain materials "obscene" for minors even if the materials are protected for adults. See Ohio's Harmful to Juveniles Law (Section 2907.01, E of the Ohio Revised Code).

Ohio's Confidentiality Law (Section 149.432 of the Ohio Revised Code) states that "library records and patron information are confidential except if the parent, guardian, or custodian of a minor child requests a library record or patron information pertaining to that child and in certain other situations."

Resources:

Freedom to Read

<http://www.ala.org/ala/oif/statementspols/ftrstatement/freedomreadstatement.htm>

Guidelines for the Development of Policies and Procedures Regarding User Behavior and Library Usage

<http://www.ala.org/Template.cfm?Section=otherpolicies&Template=/ContentManagement/ContentDisplay.cfm&ContentID=13147>

The Universal Right to Free Expression: An Interpretation of the Library Bill of Rights

<http://www.ala.org/Template.cfm?Section=interpretations&Template=/ContentManagement/ContentDisplay.cfm&ContentID=8662>

Access for Children and Young Adults to Nonprint Materials: An Interpretation of the Library Bill of Rights

<http://www.ala.org/Template.cfm?Section=interpretations&Template=/ContentManagement/ContentDisplay.cfm&ContentID=164121>

Minors' Rights to Receive Information Under the First Amendment

<http://www.ala.org/Template.cfm?Section=issuesrelatedlinks&Template=/ContentManagement/ContentDisplay.cfm&ContentID=78124>

Dealing with Challenges to Graphic Novels

<http://www.ala.org/Template.cfm?Section=ifissues&Template=/ContentManagement/ContentDisplay.cfm&ContentID=130336>

Intellectual Freedom for Young People

<http://www.ala.org/ala/oif/foryoungpeople/youngpeople.htm>

Intellectual Freedom for Young People - Hot Issues

<http://www.ala.org/ala/oif/foryoungpeople/hotissues/hotissues.htm>

Coping with Challenges - Kids and Libraries: What You Should Know

<http://www.ala.org/Template.cfm?Section=dealing&Template=/ContentManagement/ContentDisplay.cfm&ContentID=11099>

Ohio Revised Code, section 149.432 Releasing library record or patron information.

<http://codes.ohio.gov/orc/149.432>

5) Patriot Act / Privacy / Other Legislation

USA PATRIOT ACT

The Library of Congress-THOMAS H.R. 3162

The full-text of the Patriot Act (H.R. 3162) as passed by United States Congress as provided by THOMAS-the legislative information source of the Library of Congress. Includes summary of bill, proposed and adopted bill titles, subjects covered in bill, related bills, bill sponsors and cosponsors, committees that debated bill, and major and all congressional actions taken on bill.

<http://thomas.loc.gov/cgi-bin/bdquery/z?d107:h.r.03162:>

American Library Association (ALA) USA Patriot Act and Intellectual Freedom

Provides the latest news concerning the Patriot Act, frequently requested resources, resolutions opposing the USA Patriot Act, additional links to other resources, outside resources, and contact information for the Office of Intellectual Freedom (OIF). Related files and related links concerning the subject of intellectual freedom are offered with the disclaimer that neither ALA nor the OIF necessarily supports the viewpoints of these Web sites and does not endorse any commercial advertisements in them.

<http://www.ala.org/ala/oif/ifissues/usapatriotact.htm>

American Civil Liberties Union-USA Patriot Act

The ACLU's page on reforming the Patriot Act details what one should know about it, what

one can do to stop it from becoming permanent, the latest news concerning it and the issues it entails. The reauthorization of the Patriot Act in 2006, National Security Letters (NSLs), and Section 215 are given focus.

<http://action.aclu.org/reformthepatriotact/>

DELETING ONLINE PREDATORS ACT (DOPA)

The Library of Congress-THOMAS H.R. 5319

The full-text of the three versions of the Deleting Online Predators Act of 2006 (H.R. 5319) as introduced, deliberated and passed by the United States House of Representatives courtesy of THOMAS-the legislative information source of the Library of Congress. Includes summary of bill, proposed and adopted bill titles, subjects covered in bill, related bills, bill sponsors and cosponsors, committees that debated bill, and major and all congressional actions taken on bill.

<http://thomas.loc.gov/cgi-bin/query/z?c109:H.R.5319:>

"We Don't Need No Tech Control: The Deleting Online Predators Act is Both Dopey and Dangerous" by Brian Kenney, *School Library Journal*, 6/1/06

An online version of an article published in *School Library Journal* by its editor-in-chief. Outlines the flaws of DOPA, the political motivations behind it, and its potentially deleterious ramifications. Calls for education as the best solution to the problems that DOPA claims to solve and but in actuality hamstrings.

<http://www.schoollibraryjournal.com/article/CA6338684.html>

"Social Network Sites Face US Ban," BBC NEWS, 7/31/06

An online article from BBC News that covers the specifics of DOPA and the opposing viewpoints (i.e., for and against it). Includes the various social networking Web sites that DOPA identifies as havens for sexual predators, itemizes the libraries that will be most effected by the legislation (school and public), and notes the implications DOPA means for the Federal Communications Commission (FCC). Quoted are DOPA's sponsor Representative Michael Fitzpatrick of Pennsylvania and ALA President Leslie Burger.

<http://news.bbc.co.uk/2/hi/technology/5230506.stm>

CHILDREN'S INTERNET PROTECTION ACT

U.S. General Printing Office (PDF)

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=106_cong_bills&docid=f:h4500ih.txt.pdf

ALA's site on CIPA advice and resources, legislative history, and ALA's stance on CIPA.

<http://www.ala.org/ala/washoff/woissues/civilliberties/cipaweb/cipa.cfm>

ALA's site on CIPA litigation

Includes all the relevant materials related to ALA's litigation over CIPA, which ended with the Supreme Court of the United States upholding the law.

<http://www.ala.org/ala/washoff/woissues/civilliberties/cipaweb/legalhistory/litigation.cfm>

OLC's Children's Internet Protection Act (CIPA) Information Kit
Includes Frequently-asked questions, compliance information, intellectual freedom issues,
and technology issues.

<http://www.olc.org/CIPAIIntro.asp>

Webjunction's Focus on CIPA

A collection of reports from the field, articles, and discussions on CIPA and filtering software.
<http://www.webjunction.org/do/PrinterFriendlyContent.jsessionid=3BB74CEC88C175774F331BEAF57109BA?id=1220>

PRIVACY LAWS

American Library Association (ALA) Privacy Tool Kit

ALA's Privacy Tool Kit is coauthored by the Office on Intellectual Freedom (OIF) and is one of several intellectual freedom tool kits offered. The main page of the Privacy Tool Kit is its table of contents comprised of links to the chapters: Introduction to Privacy; ALA's Privacy Policy; Guidelines for Developing a Library Privacy Policy; Privacy Procedures; Privacy Communication; and a Select Bibliography. Subheadings included under the chapter Privacy Communication include: Crisis Communication; Messages/Talking Points; Tips for Ensuring Privacy; and Legislative Advocacy.

<http://www.ala.org/ala/oif/iftoolkits/toolkitsprivacy/privacy.htm>

ALA State Privacy Laws Regarding Public Records

ALA's and OIF's Web page has the privacy laws concerning library records of all states that have

such laws on the books (48 out of 50). These laws are in Rich Text Format (RTF). The Web page introduction advises on adoption of a confidentiality policy by public libraries, the particular library records that such a policy apply to, and on adopting a procedure for dealing with law enforcement on the subject of such records. Links to Web sites of possibly helpful information are also included with the disclaimer that neither ALA nor OIF necessarily endorses the viewpoints expressed by those Web sites not affiliated with ALA.

<http://www.ala.org/ala/oif/ifgroups/stateifcchairs/stateifcinaction/stateprivacy.htm>

ALA Privacy: an Interpretation of the Library Bill of Rights

The three main paragraphs on this Web page address the overall subject of library privacy, the rights of library users and responsibilities in libraries. Comprehensive footnotes to relevant state and federal law (including decisions by United States Supreme Court) as well as ALA policy, follow the brief conclusion.

<http://www.ala.org/ala/oif/statementspols/statementsif/interpretations/privacy.htm>

ALA Q&A on Privacy and Confidentially

A companion to the latter reference, comprised of five sections which cover: why ALA's Intellectual Freedom Committee (IFC) has addressed the privacy question (Preamble); the difference between privacy and confidentiality (Basic Concepts); defining a privacy audit and its responsibility (Protection of Privacy and Confidentially); how to deal with law enforcement

(Security Concerns); and a link to the ALA Web page on privacy defined by the Library Bill of Rights (ALA Privacy: an Interpretation of the Library Bill of Rights). Cites the date that the Q&A was adopted and of subsequent revisions. Has a disclaimer stating that ALA does not necessarily support the views of any non-ALA Web sites linked within the page.

<http://www.ala.org/Template.cfm?Section=interpretations&Template=/ContentManagement/ContentDisplay.cfm&ContentID=34114>

6) Administrative Forms & Policies

FORMS AND POLICIES

For intellectual freedom purposes, any discussion regarding forms and policies should begin with a collection development policy. This document is important for your staff to use as a guide when selecting materials for your library's collection; it is crucial for your library if faced with a challenge. The board-approved policy can be used to defend and/or explain the eventual actions that the library takes in the face of any challenges that may arise.

Several examples from Ohio libraries are available on the State Library of Ohio Web site (<http://winslo.state.oh.us/publib/policies.html>). It also is important to have a procedure in place outlining the steps of the reconsideration process. This is important not only for library personnel but for the person challenging the library's material. The procedure makes perfectly clear the steps that will be taken regarding a challenge.

Other documents that are important for libraries to have in place to help deal—and, hopefully, avoid—intellectual freedom problems are meeting room policies and bulletin board and display policies. These policies will explain the philosophy of the library regarding the use of a meeting room and public display area. Staff members can turn to the policy when facing a question, so everyone should be on the same page when providing an explanation to a patron.

The State Library of Ohio Web site also has several examples of meeting room policies and bulletin board and display policies (<http://winslo.state.oh.us/publib/policies.html>).

You may also find more information on various intellectual freedom-related policies on ALA's Office of Intellectual Freedom Web site (<http://www.ala.org/ala/oif/statementspols/statementspolicies.htm>).

If not, you should be aware of three key ALA statements. (These may or may not be part of your collection development policy. They should serve as the backbone for intellectual freedom at your library.)

Library Bill of Rights

<http://www.ala.org/ala/oif/statementspols/statementsif/librarybillrights.htm>

The Freedom to Read

<http://www.ala.org/ala/oif/statementspols/ftstatement/freedomreadstatement.htm>

The Freedom to View

<http://www.ala.org/ala/oif/statementspols/ftvstatement/freedomviewstatement.htm>

You also should be aware of the Information on Freedom to Read Foundation (includes links to information on Lawyers for Libraries).

<http://www.ala.org/ala/ourassociation/othergroups/ftfr/freedomreadfoundation.htm>

COMMUNICATION

Here are a few sites if you are interested in keeping up-to-date on intellectual freedom issues. The Office of Intellectual Freedom is the place to turn if you need help facing a challenge. The organization's newsletter and the ifaction listserv are great tools to use to be aware of materials being challenged along with other intellectual freedom issues that are in the news.

ALA's Office of Intellectual Freedom

<http://www.ala.org/template.cfm?Section=oif>

The Newsletter on Intellectual Freedom is a good publication. It is available for free online to ALA members.

<http://www.ala.org/nif>

This is the ifaction listserv from the Office of Intellectual Freedom that passes along news articles.

<http://lists.ala.org/wws/arc/ifaction>

Please consider making all of your policies easily accessible to patrons. The library should be working in as open an environment as possible, making information readily available. The key word you want to avoid when it comes to intellectual freedom is "surprise." Developing your library's philosophy, encompassing this philosophy in well-written policies and keeping up-to-date on intellectual freedom issues helps you be prepared if a challenge does happen to arise at your library.

7) Hiring and Training Staff with Intellectual Freedom in Mind

The Code of Ethics of the American Library Association

(<http://www.ala.org/ala/oif/statementspols/codeofethics/codeethics.htm>) states:

"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."

INTERVIEW

It is important to explain to prospective staff what Intellectual Freedom is and how it may affect their work. To do so provide a brief definition of Intellectual Freedom and explain

library policies and explain what Intellectual Freedom means in practical terms for the prospective library worker. The prospective employee will need to be able to set aside personal values and support library policy.

ORIENTATION

During the staff orientation process it is important that all staff are trained in the fundamentals of intellectual freedom. Define intellectual freedom and why it is important to all staff, even those who aren't librarians or not in public service. Everyone should have a basic understanding of the librarian's core values. Even when talking to friends or family about the library, the employee should be able to answer basic questions about intellectual freedom. Emphasize throughout training that regardless of personal opinion, staff must support and uphold library policy. The employee must refrain from sharing personal opinion/belief with customers and focus on policy.

The following should be reviewed with each employee:

- ALA Bill of Rights – What it is and where it can be found?
- Materials selection policy– highlights, recommend all read and be familiar with
- Internet access policy – highlights, recommend all read and be familiar with, library's filtering practice/policy
- Library policy regarding access – What are the limitations on access? What does that mean in practical, day-to-day terms?
- What is censorship?
- How do you handle a complaint?
- Children and teens in the library – What are the library's policies? What is the library's role? How do you respond to customer concerns?
- Unprotected speech (including definitions of obscenity and harmful to juvenile)
- Confidentiality/privacy
- USA Patriot Act – What is it? How do you handle requests from law enforcement?
- Ongoing, specific training with scenarios to help prepare frontline public service staff to handle intellectual freedom situations and challenges