

Policy 205
Materials Reconsideration Policy
& Reconsideration of Materials Form

The Board of Trustees of the Sugar Grove Public Library District have established the following policy and procedure for responding to input from community members about items in our collection. Completion of the Reconsideration of Materials form is the first step in that procedure. If you wish to request reconsideration of a resource, please review this policy in full, and then complete the form and share it with the library director.

Before beginning a reconsideration process, it is important to understand that the library, as a government agency and a “limited public forum”, is significantly limited by established First Amendment law with regard to removing materials from the collection. The library is legally prohibited from removing materials from the library based on content, topic, or viewpoint. Furthermore, it is helpful to understand that, with very few exceptions, the constitution of the United States affords published materials with the full protection of the First Amendment, and libraries, short of demonstrating a “compelling government interest” cannot remove materials based on complaints about content, topic, or viewpoint.

Among the limited categories of materials that are not afforded First Amendment protections are those that meet the legal definitions of obscenity, child pornography, and harmful (harm) to minors. The materials in our library’s collection are overwhelmingly published by mainstream publishers and these publishers do not publish materials that meet any of these legal definitions. This ensures that the library only has materials that have the full protection of the First Amendment, and thus cannot be removed without exposing the library to costly litigation that it would be unlikely to defend.

To meet the legal definitions of obscenity or “harmful to minors”, library materials would need to fail all parts of the three-prong “Miller Test”, which is the primary legal test for determining whether expression constitutes obscenity. The Miller Test requires the application of the following assessment criteria:

1. Whether the average person, applying contemporary community standards, would find that the work, taken as a whole, appeals to the prurient interest, and;
2. Whether the work depicts or describes, in a patently offensive way, sexual conduct or excretory functions specifically defined by applicable state law, and;
3. Whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.

It is also important to note that the First Amendment ensures all citizens’ rights to *receive* information as well as express and publish information. Therefore, removing materials based on complaints - especially

complaints focused on content, viewpoint, or topic -- may violate the rights of other citizens in the community to receive information contained in those materials.

Before completing the reconsideration form, please review and familiarize yourself with the Library's Collection Development Policy and the criteria that we bring to bear when deciding whether to add materials to the collection. This policy will be relied on by staff in evaluating the merits of your reconsideration request.

Materials shall remain on the shelf or otherwise available for circulation during any review process.

Standing: Note that only those who reside within the jurisdictional service boundaries of the library have standing to initiate a reconsideration process of any title that has not been formally considered within the previous five years. Because the library has limited resources, and mindful of the importance of our role as good stewards of public funds, we must balance patrons' rights to share valuable feedback with the library, with our ability to operate the library effectively and efficiently, providing needed programs, services, spaces, and collections for the benefit of all citizens. To achieve this important balance, patrons with standing may initiate one formal request for reconsideration per year. This in no way limits patrons from providing feedback to staff, the Library Director, or Board members. Feedback that is offered outside of the parameters of this policy will be given thoughtful consideration by the Library Director, but may not warrant a response.

LIBRARY RESPONSIBILITIES: PROCEDURE AND TIMELINE

The Library will provide a response to patrons with standing who have signed a form and completed it in full. Decisions will be made by the Sugar Grove Public Library Board of Directors or a designee as designated by the Director. The decision-maker may confer with colleagues in arriving at a decision. All decisions will be made by giving full consideration to the request, and by reviewing and applying the criteria of the library's selection policy, the Miller Test, as well as consideration to any legal obligations of the library under First Amendment law.

If the library has three or fewer active requests for reconsideration, a decision will be made and communicated within 30 days of receipt of the request. If the Library is managing three to ten requests, a decision will be made and communicated within 90 days of the receipt of the request. If the library is managing more than ten requests, a decision will be made and communicated as time permits, and with consideration to balance staff time with other duties that are required to maintain effective and efficient library operations on behalf of all citizens/taxpayers.

If the patron who filed the appeal believes a decision was made in error, they may appeal to the Director in writing within 30 days. The appeal must specifically indicate how library policy or law was misapplied in making the decision. The Director will determine whether the decision properly applied library policy in arriving at a decision, and respond within 30 days of receipt of the appeal. If the Director is managing

three to ten appeals, a decision will be made and communicated within 90 days of the receipt of the appeal. If the Director is managing more than ten appeals a decision will be made and communicated as time permits, and with consideration to balance their time with other duties that are required to maintain effective and efficient library operations on behalf of all citizens/taxpayers.

Effective 1/1/2024, Illinois Public Libraries must comply with Public Act 103-0100, HB2789.

Public Act 103-0100	
HB2789 Enrolled	LRB103 29629 AWJ 56025 b
AN ACT concerning local government.	
Be it enacted by the People of the State of Illinois,	
represented in the General Assembly:	
Section 5. The Illinois Library System Act is amended by	
changing Sections 1 and 3 and by adding Section 8.7 as follows:	
(75 ILCS 10/1) (from Ch. 81, par. 111)	
Sec. 1. Because the state has a financial responsibility	
in promoting public education, and because the public library	
is a vital agency serving all levels of the educational	
process, it is hereby declared to be the policy of the state to	
encourage the improvement of free public libraries and to	
encourage cooperation among all types of libraries in	
promoting the sharing of library resources, including digital	
resources. In keeping with this policy, provision is hereby	
made for a program of state grants designed to establish,	
develop and operate a network of library systems covering the	
entire state.	
It is further declared to be the policy of the State to	
encourage and protect the freedom of libraries and library	
systems to acquire materials without external limitation and	
to be protected against attempts to ban, remove, or otherwise	
restrict access to books or other materials.	
(Source: P.A. 83-411.)	

(75 ILCS 10/3) (from Ch. 81, par. 113)	
Sec. 3. The State Librarian and the Illinois State Library	
his staff shall administer the provisions of this Act and	
shall prescribe such rules and regulations as are necessary to	

carry the provisions of this Act into effect.
The rules and regulations established by the State
Librarian for the administration of this Act shall be designed
to achieve the following standards and objectives:
A provide library service for every citizen in the state
by extending library facilities to areas not now served.
B provide library materials for student needs at every
educational level.
C provide adequate library materials to satisfy the
reference and research needs of the people of this state.
D provide an adequate staff of professionally trained
librarians for the state.
E adopt the American Library Association's Library Bill of
Rights that indicates materials should not be proscribed or
removed because of partisan or doctrinal disapproval or, in
the alternative, develop a written statement declaring the
inherent authority of the library or library system to provide
an adequate collection stock of books and other materials
sufficient in size and varied in kind and subject matter to
satisfy the library needs of the people of this state and
prohibit the practice of banning specific books or resources.

F provide adequate library outlets and facilities
convenient in time and place to serve the people of this state.
G encourage existing and new libraries to develop library
systems serving a sufficiently large population to support
adequate library service at reasonable cost.
H foster the economic and efficient utilization of public
funds.
I promote the full utilization of local pride,
responsibility, initiative and support of library service and
at the same time employ state aid as a supplement to local
support.
The Advisory Committee of the Illinois State Library shall
confer with, advise and make recommendations to the State
Librarian regarding any matter under this Act and particularly
with reference to the formation of library systems.

(Source: Laws 1965, p. 3077.)
(75 ILCS 10/8.7 new)
Sec. 8.7. State grants; book banning. In order to be
eligible for State grants, a library or library system shall
adopt the American Library Association's Library Bill of
Rights that indicates materials should not be proscribed or
removed because of partisan or doctrinal disapproval or, in
the alternative, develop a written statement prohibiting the
practice of banning books or other materials within the
library or library system.

The Library also adheres to the American Library Association’s 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.
- VII. All people, regardless of origin, age, background, or views, possess a right to privacy and confidentiality in their library use. Libraries should advocate for, educate about, and protect people’s privacy, safeguarding all library use data, including personally identifiable information.

Adopted June 19, 1939, by the ALA Council; amended October 14, 1944; June 18, 1948; February 2, 1961; June 27, 1967; January 23, 1980; January 29, 2019.

RECONSIDERATION OF MATERIALS FORM

To request the re-evaluation of material in the library's collection, it is required that you fill out this form in its entirety. Note that only those who reside within the jurisdictional service boundaries of the library have standing to initiate a reconsideration process.

Your name: _____

Address: _____

Phone: _____

Email: _____

Library Card #: _____

Complainant represents:

- Self
- Organization (identify) _____

I affirm that I have standing to initiate a reconsideration request.

- Yes
- No

The title, author, year of publication: _____

Format of Material: _____

(i.e. book, CD, DVD, book on tape, ebook, etc.)

I affirm that this material is currently in the library's collection:

- Yes
- No

I affirm that I have personally viewed/listened/watched it in full. *(note that because materials must be considered in full and "taken as a whole" the reconsideration process cannot be initiated unless the material has been read/listened/watched in full):*

- Yes
- No

How did you learn about this material? _____

What are you requesting the Library do regarding this title?

- Relocate to another section
- Remove from the library

I affirm that my concerns represent my original thoughts and concerns and have not been copied/pasted from a third party.

- Yes
- No

Tell us about your concerns with this title: _____

What is your understanding of the purpose and main theme of this material? _____

What value or positive qualities might this material have for others? _____

How has the material been reviewed in professional review sources? (please include citations/quotes) _____

How does the material fail to comply with the library's selection policy *[insert link to policy]*? _

There are exceptions to First Amendment protections on speech. If you believe that the information or ideas within this title are not covered by the First Amendment.

Please choose which category of unprotected speech that the title falls under:

- | | |
|---------------------------------------------------------------------------|--------------------------------------------------------------|
| <input type="checkbox"/> Incitement of imminent lawless action | <input type="checkbox"/> Speech integral to criminal conduct |
| <input type="checkbox"/> False statement of fact (e.g. false advertising) | <input type="checkbox"/> True threats |
| <input type="checkbox"/> Obscenity as defined by state/federal law | <input type="checkbox"/> Fraud |
| | <input type="checkbox"/> Fighting words |
| | <input type="checkbox"/> Defamation |

If you have checked any boxes above, please explain your rationale, providing specific examples from the materials. _____

Who would be directly harmed by this material and how? (please provide direct citations and evidence): _____

Does the work, when taken as a whole, appeal to the prurient interest?

- Yes
- No

If you have checked any boxes above, please explain your rationale, providing specific examples from the materials. _____

Does the work, when taken as a whole, depict or describe, in a patently offensive way, sexual conduct specifically defined by applicable state law?

- Yes
- No

If you have checked any boxes above, please explain your rationale, providing specific examples from the materials. _____

Does the work, when taken as a whole, lack serious literary, artistic, political or scientific value?

- Yes
- No

If you have checked any boxes above, please explain your rationale, providing specific examples from the materials. _____

“Weeding” of the library collection allows for the removal of library materials if they meet certain criteria that are not based on content viewpoint. Please select any criteria that you believe apply to this title.

Is the title:

- Misleading** (factually inaccurate based on current standards and best practices)
- Damaged** (the condition of the material is beyond mending or re-binding)
- Superseded** (a new edition has been published or a better title has been released)

What is your request regarding this title?

- Relocate to this section of the library: _____
- Remove from the library

How would you like to be notified of the decision?

- email to email address listed on form
- letter to address listed on form

ATTESTATION AND CERTIFICATION OF TRUTHFULNESS AND ACCURACY: Reconsideration of Materials requests are public records under the Freedom of Information Act. It is a crime under Illinois Code 720 ILCS 5/32-8 to falsify a public record. I certify under any applicable penalties of law that the foregoing is true and correct.

Signature _____ Date _____

NOTE: Forms that are not signed do not initiate a formal process under library policy.

PROCESS AND TIMELINE: RECONSIDERATION OF MATERIALS PROCEDURE

A person with a valid Sugar Grove Public Library District borrower's card and is a resident of Sugar Grove Public Library District which includes Sugar Grove, Sugar Grove Township, and parts of Montgomery and Aurora, may assert they are adversely affected by a book or other physical item and therefore may seek to have such item relocated in the library.

1. Before a person can file a challenge, the person shall request a meeting with the Library Director. Before the meeting occurs, Sugar Grove Public Library District shall provide a copy of the Reconsideration of Materials Policy and Form or other method by which a person may request a reconsideration of the appropriateness of the material being challenged.
2. At the conclusion of this meeting, if the patron still objects to the classification or inclusion of a work, the patron may make a formal, written request using the Form.
3. For the request to be considered, the Form must be completed in full including signature and submitted to the Library Director within five (5) working days of the meeting. Only specific works or titles will be considered for reconsideration; requests for reconsideration of general topics or subject areas will not be considered.
4. The material under consideration will remain in the library's collection pending the outcome of the patron's request. In the event that the material under consideration is lost during the evaluation process, replacement materials will be purchased until a final determination has been made.
5. Upon receipt of a completed Form, the Library Director will establish if the request Form is proper, applies to the material in question, and is complete. If so, the Library Director will appoint an ad hoc committee from the professional staff. Committee members shall have knowledge appropriate for the material being challenged and be representative of diverse viewpoints.
6. Based on all applicable library policies and procedures, the committee will evaluate the material. Material will be reviewed in its entirety and shall not have selected portions taken out of context. The challenged material shall not be withdrawn solely for viewpoints expressed within the material and must be reviewed pursuant United States Supreme Court tests regarding alleged obscene materials or applicable state law.
7. The objecting patron shall present their request in-person to the Committee during the Committee's regularly scheduled meeting.

8. The Committee shall meet to discuss the material being challenged. The Committee shall vote to determine if the material being challenged shall be relocated within the library's collection, replaced with another work, or removed from library's collections. A member of the committee who voted with the majority shall write a summary of the reasons for the majority's decision and shall send their decision by certified mail to the person who submitted the request.
9. The Library Director will inform the Sugar Grove Public Library District Board of Trustees of all requests for reconsideration of library materials and their disposition.
10. If not satisfied with the committee's decision, the patron may file an appeal with the Sugar Grove Public Library District Board. To appeal, the challenging patron must deliver and present for filing a written appeal to the Sugar Grove Public Library District Board President five (5) working days of the receipt of the Review Committee's decision.
11. In the event of an appeal, the Sugar Grove Public Library District Board President will be given a copy of the patron's completed Form and a summary of the committee's decision within fifteen (15) days of the committee's decision.
12. The Sugar Grove Public Library District Board will review the information submitted to them and shall decide on the appeal within thirty (30) days of receiving the information.

The decision of the Sugar Grove Public Library District Board is final.