

**2019 ANNUAL CONFERENCE**

**IMPLEMENTATION REPORT**

**ON ALA COUNCIL ACTIONS**

**TAKEN AT THE**

**2019 MIDWINTER MEETING**

**IN**

**SEATTLE, WA**

ALA Policy A.4.2.4 requires the Executive Board or its delegates to report to Council on the status of implementation of motions and resolutions passed by Council during the preceding year. The report shall be entered in the Council minutes.

## **REPORT ON THE IMPLEMENTATION OF THE 2019 MIDWINTER MEETING COUNCIL ACTIONS**

**Document Number/Title of Document:** ALA CD#10.1, ALA Resolutions Committee Report  
Rev\_2192019\_ACT, Resolution Proposing a Task Force on Online Deliberation and Voting for ALA Council

**Implementation Action:** The ALA Council **ADOPTED**, under Action Item #1-Resolution Proposing a Task Force on Online Deliberation and Voting for ALA Council:

*Resolved*, that the American Library Association, on behalf of its members:

1. directs the ALA President to appoint a task force that includes, among others, the ALA Parliamentarian in an advisory capacity, and representation from the Constitution and Bylaws Committee with the following charge:
  - a. Explore options and develop a procedure to facilitate online deliberation and voting for Council outside of the ALA Annual Conferences or Midwinter Meetings; and
  - b. Review the ALA Constitution and Bylaws to determine if the current guidelines meet the complexities of online deliberation and voting; and
  - c. Report findings and recommendations to Council at the 2019 ALA Annual conference in Washington, DC.

**Response:** The Task Force on Online Deliberation and Voting for ALA Council was established. Chair, Ed Sanchez held monthly meetings. A report out of the task force findings and recommendations will take place at Council III.

**Document Number/Title of Document:** ALA CD #14, ALA Committee on Diversity Report  
Rev\_1272019\_ACT, Policy B.8.10, the old Policy 61 and B.8.10.1 Policy Objectives (Old Number 61.1)  
ACT, "Library Services to the Poor" Revision

**Implementation Action:** The ALA Council **ACCEPTED AS AMENDED**, Policy B.8.10, the old Policy 61, "Library Services to the Poor" Revision, ALA CD#14\_1272018, which read:

13. Promoting, supporting and facilitating local community efforts to meet the **basic** needs of all community members, especially those experiencing poverty.

16. ~~Ensuring~~ **[Encouraging]** a parity of library services, hours, resources

**Response:** The accepted, Policy B.8.10, the old Policy 61, Library Services to the Poor" revision and the Policy B.8.10.1 was forwarded to the Policy Monitoring Committee for placement in the ALA Policy Manual.

The placement of the accepted Policy B.8.10, the old Policy 61 and the Policy B.8.10.1 is in the Policy Monitoring Committee report (**ALA Council Document #17.1**).

**Document Number/Title of Document: ALA CD #37, Resolution for the Adoption of Sustainability as a Core Value of Librarianship\_ACT**

**Implementation Action:** The ALA Council **ADOPTED**, Resolution for the Adoption of Sustainability as a Core Value of Librarianship, which read:

Resolved, that the American Library Association (ALA), on behalf of its members:

1. **Shall define sustainability using the “triple bottom line” conceptual framework:** “To be truly sustainable, an organization or community must embody practices that are environmentally sound AND economically feasible AND socially equitable.”
2. Adopt **“Sustainability,”** as defined above, as a core value of librarianship.
3. Evolve **accreditation standards** to ensure the topic of sustainability is an inherent element in library school curriculum.
4. Provide ALA members with the necessary **knowledge and resources** to inspire, cultivate and encourage active leadership in the application of the triple bottom line framework to guide decisions for the future of our society.

**Response:** The Adopted resolution was added to the ALA website <http://www.ala.org/aboutala/midwinter-and-annual-2019>. Per the Policy Monitoring Committee report (**ALA Council Document #17.1**).

**Document Number/Title of Document: ALA CD #17, ALA Policy Monitoring Committee\_ACT**

**Implementation Action:** The ALA Council **ACCEPTED**, the recommended insertions of Interpretations to the ALA Policy:

**Item #1.** At the 2018 ALA Annual Conference, the ALA Council adopted 2017-2018 ALA CD#19.7\_62617\_act, Library-Initiated Programs as a Resource: *An Interpretation of the Library Bill of Rights*. Based on Council's action, **PMC MOVES INSERTION** of the following interpretation as section **B.2.1.11**

**Item #2.** At the 2018 ALA Annual Conference, the ALA Council adopted 2017-2018 ALA CD#19.8 62617\_act, Services to People with Disabilities: *An Interpretation of the Library Bill of Rights*. **PMC MOVES INSERTION** of the following interpretation as section **B.2.1.21**

**Item #3.** At the 2018 ALA Annual Conference, the ALA Council adopted the following amendment to the ALA Policy A.4.2.3, Council Resolutions: Guidelines for Preparation of Resolutions to Council under “Process, #5.”

**PMC MOVES INSERTION** of revised text into the ALA Policy Manual as Policy A.4.2.3, Process, #5 as follows (new language underlined):

**PROCESS, #5**

The Resolutions Committee must submit to the Executive Director and the Budget Analysis and Review Committee (BARC) all resolutions deemed to have fiscal implications at least 24 hours before they appear on the Council agendas so that BARC can provide fiscal information as required in by ALA policy.

**a. A resolution which the Resolutions Committee has deemed to have fiscal implications should be moved and seconded by its proponents.**

**b. The proponents should open the debate on the resolution they have initiated.**

**c. Council members should then be invited to briefly debate the resolution.**

**d. After a brief debate, BARC Chair (or designate) should move to refer the resolution to BARC and should then explain the potential fiscal implications that necessitate the referral.**

**e. Other members should then be invited to debate the motion to refer.**

**f. The motion to refer to BARC should then be put to a vote.**

**Response:** The revised interpretations have been incorporated into the online ALA *Policy Manual*.

**Document Number/Title of Document:** ALA CD #27, ALA Committee on Organization\_ACT

**Implementation Action:** The ALA Council **APPROVED**, the recommended revisions:

**ITEM #1:** The revised Charge for the Committee on Legislation (COL)

**ITEM #2:** The revised Office for Diversity, Literacy and Outreach Services' Advisory Committee Composition (i.e., Remove Sustainability Round Table and Add Committee on Education rep)

**ITEM #3:** Revision of Committee on Literacy Charge (i.e., adding "multiple literacies" to the current charge)

**ITEM #4:** Revision of Literacy Assembly Charge (i.e., adding "multiple literacies" to the current charge)

**Response:** The approved recommended revisions have been distributed back to the originating group.

**Document Number/Title of Document:** ALA CD #36, ALA Committee on Accreditation\_ACT

**Implementation Action:** The ALA Council **ADOPTED**, ALA Committee on Accreditation, Master's of Library & Information Studies (MLIS) standard element V.3 adjustment:

The administrative head of the program has to ensure that students are supported in their academic program of study. In addition to academic qualifications comparable to those required of the faculty, the administrative head has leadership skills, administrative ability, experience, and understanding of developments in the field and in the academic environment needed to fulfill the responsibilities of the position.

**Response:** The adopted standards have been distributed back to the originating group.

**Document Number/Title of Document: ALA CD #38, Resolution on Eliminating Monetary Library Fines as a Form of Social Inequity**

**Implementation Action:** The ALA Council **ADOPTED AS AMENDED**, Resolution on Eliminating Monetary Library Fines as a Form of Social Inequity

Resolved, that the American Library Association (ALA), on behalf of its members

1. adds a statement to the Policy Manual that establishes that "The American Library Association asserts that imposition of monetary library fines creates a barrier to the provision of library and information services.";
2. urges libraries to scrutinize their practices of imposing fines on library patrons and actively move towards eliminating them; and
3. urges governing bodies ~~to fund [of]~~ libraries **[to strengthen funding support for libraries]** so they are not dependent on monetary fines as a necessary source of revenue.
4. establish a working group to develop information resources, including strategies and tips, for libraries interested in abolishing fines, with a report due to Council at the 2019 Annual Conference

**Response:** A working group, chaired by Peter Hepburn was established and will report out at Council III at the 2019 Annual Conference.

The placement of the of the adopted statement will be inserted in ALA Policy B.4.2 Free Access to Information (Old Number 50.3) per the Policy Monitoring Committee report (**ALA Council Document #17.1**).

**Document Number/Title of Document: ALA CD #41, Resolution in support of Civil rights Protections for People of Diverse Gender Identities\_ACT**

**Implementation Action:** The ALA Council **ADOPTED**, Resolution in support of Civil rights Protections for People of Diverse Gender Identities, which read:

Resolved, that the American Library Association affirms support of civil rights protections for people of diverse gender identities, and

1. Encourages libraries to defend those civil rights protections, in their policies, procedures, and their actions, in accordance with the first principle of the ALA Code of Ethics: "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."
2. Encourages libraries to create welcoming and inclusive spaces to meet the information needs of people of diverse gender identities, as well as create inclusive programs, projects, and events to support and demonstrate equality, inclusion and respect.
3. Reviews ALA policy documents and internal procedures to ensure Equity, Diversity, and Inclusion (EDI) principles are reflected throughout and broadly communicated to the membership broadly; and be it further resolved that this resolution be printed in full in *American Libraries* and publicize widely via all media channels.

4. Creates avenues within existing ALA structures to highlight model policies as well as identify model training and educational opportunities for library staff and administrations that encourage the creation of all-inclusive spaces and provide an understanding of bias.

**Response:** The Adopted resolution was added to the ALA website  
<http://www.ala.org/aboutala/midwinter-and-annual-2019>.

**Document Number/Title of Document: ALA CD # 24.1, ALA Committee on Professional Ethics\_ACT**

**Implementation Action:** The ALA Council **ADOPTED**, Copyright: An Interpretation of the Code of Ethics

Article IV of the ALA's *Code of Ethics* states that library workers "respect intellectual property rights and advocate balance between the interests of information users and rights holders." Copyright<sup>i</sup> is the aspect of intellectual property law that has the most impact on libraries. Copyright, as established by the U.S. Constitution<sup>ii</sup> and the Copyright Act, is a system of rights granted by law combined with limitations on those rights.

Copyright law was established to encourage authors, artists, and others to create and share their works by granting them specific exclusive rights in their works.<sup>iii</sup> Those rights are limited by certain exceptions like fair use or the term of copyright. These limitations are necessary to ensure a well-functioning copyright law that protects creators' rights while also preserving freedom of information and freedom of expression.

A shared purpose of copyright and libraries is to benefit the public through the creation and dissemination of information and creative works. In pursuit of this goal, copyright law should balance the public's need to access and use informative and creative works with the economic interests of right's holders.

Libraries represent the very best of this balance in U.S. copyright law. Libraries serve the economic purpose of copyright through billions of dollars spent on copyrighted materials for libraries (such as books, journals, motion pictures, art, and music). Libraries serve the "use and access" purpose of copyright by circulating billions of copyrighted items annually. Libraries are thus economic engines of both copyright law and knowledge distribution.

Libraries have both the opportunity and the obligation to work toward that balance when they engage in activities such as acquiring information resources for their communities, curating and preserving cultural heritage, establishing services and programs to enhance access to information, and lending books or other resources.

Copyright law provides a copyright holder with an exclusive legal right to make copies of the work, create derivative works based on the original, distribute the work to the public, and perform or display the work in public. However, copyright law also provides the public the right to make fair use<sup>iv</sup> of the copyrighted work. Additionally, there are restrictions to the exclusive rights of copyright holders, such as the First Sale Doctrine, which allows the public to borrow, loan, sell, or transfer a purchased, particular copy of a work. The public has unlimited use of the work when the copyright term expires.<sup>v</sup>

Copyright law also provides numerous specific exceptions for libraries, archives, and nonprofit educational institutions. Depending on the nature of the institution, these exceptions may include the ability to make copies for users; preserve and make replacement copies of works; create accessible copies for print-disabled users; and perform or display works for educational purposes.

Libraries and their parent institutions have a responsibility to promote and maintain policies and procedures that are consistent with their ethical obligations, their institutional missions, and the law, including copyright law. Such policies and procedures should measure legal risk and respect the rights of both copyright holders and users of copyrighted works. It is the library's responsibility to make sure all of the workers, not just librarians, are familiar with copyright law that affect library services.

Library workers are increasingly critical resources for copyright information in their communities. Consequently, they should be informed about copyright developments and maintain current awareness of all copyright issues. Library workers should develop a solid understanding of the law, its purpose, and the details relevant to library activities. This includes the ability to read, understand, and analyze various copyright scenarios, including fair use and other copyright limitations, using both good judgment and risk mitigation practices.

Library workers should use these skills to identify their rights and the rights of their users. Further, they should be ready to perform outreach surrounding copyright topics and refer users with questions pertaining to copyright to reliable resources. However, library workers should avoid providing legal advice. They may provide information about the law and copyright, but should recommend that patrons consult an attorney for legal advice.

Library workers should also be prepared to explain restrictions on patron use of content based on digital licensing agreements. Licensed e-content, including e-books, databases and video streaming services, may have limitations on use beyond those present in copyright law.

Libraries have a proud history of advocating for the public interest. They recognize that copyright law should not expand the rights of copyright holders without sufficiently considering the benefit to the public interest. When the balance between rights holders and information users needs to be restored, library workers should engage with rights holders and legislators to advocate on behalf of their users and users' rights.

Adopted by ALA Council on July 1, 2014; Adopted by ALA Council on January 29, 2019.

**Response:** The ALA Council adopted "Copyright: An Interpretation of the Code of *Ethics*" which was revised from the 2014 original interpretation. The revision has been incorporated into the ALA [Professional Ethics webpage](#) and will be published in the 10<sup>th</sup> edition of the *Intellectual Freedom Manual* edited by Martin Garnar.



**Implementation Action:** The ALA Council **ADOPTED**, ALA CD#19.1 *Library Bill of Rights*, Article VII amendment

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.

**Implementation Action:** The ALA Council **ADOPTED**, ALA CD#19.2 Meeting Rooms: An Interpretation of the *Library Bill of Rights*

Many libraries provide meeting rooms and other spaces designated for use by the public for meetings and other events as a service to their communities. Article VI of the *Library Bill of Rights* states, "Libraries which make ... 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." Libraries do not advocate for or endorse the viewpoints expressed in meetings by meeting room users, just as they do not endorse the viewpoints of works in their collections. The presence and activities of some groups in public spaces, while constitutionally protected, can cause fear and discomfort in some library users and staff. Libraries should adopt and enforce user behavior policies that protect library users and staff from harassment while maintaining their historic support for the freedom of speech.<sup>1</sup> This interpretation provides general guidelines regarding meeting rooms and other spaces for public gatherings, and it does not constitute legal advice.

Publicly funded libraries are not obligated to provide meeting room space to the public. If libraries choose to do so, such spaces are considered designated public forums<sup>2</sup>, and legal precedent holds that libraries may not exclude any group based on the subject matter to be discussed or the ideas for which the group advocates.<sup>3, 4</sup> However, if a group's actions during a meeting disrupt or harass others in the library, library policies regarding acceptable behavior may apply. If libraries adopt policies that are perceived to restrict potentially controversial groups' access to meeting rooms, they may face legal and financial consequences. Allowing religious groups to use library meeting rooms and spaces does not constitute a breach of the First Amendment's Establishment Clause.<sup>5</sup>

Libraries offering meeting rooms and spaces should develop and publish policies governing use after consultation with legal counsel. These policies should properly define time, place, or manner of use; such restrictions should not pertain to the content of a meeting or to the beliefs or affiliations of the sponsors. Policies should be regularly reviewed with staff and made available to the public in all of the commonly used languages within the community served.

Libraries should write policies in inclusive rather than exclusive terms. A policy that the library's facilities are open "to organizations engaged in educational, cultural, intellectual, charitable, advocacy, civic, religious, or political activities" is an inclusive statement of the limited uses of the facilities. 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.

Written policies may also include limitations on frequency of use and require adherence to the library's behavior policy.<sup>6</sup> The meeting room policy should also state whether meetings held in library spaces must be open to the public or if the library allows private events. Libraries may choose to offer space for public or private events unless restricted by state or local laws. The same standards and policies



should apply to all meeting room uses. Library users should have a process through which they may appeal the denial of meeting room use.

If meeting rooms and spaces are open to the public, libraries should include a section in their policy that addresses fees. Charging fees does not change the status of meeting rooms and spaces as designated public forums. Library governing bodies that decide to charge fees for use of library spaces should consider local and state laws, the ALA's Code of Ethics, and the *Library Bill of Rights*. Charging fees for the use of library meeting rooms or facilities may abridge or deny access for some community members.<sup>7</sup>

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 applies with equal force to the library's meeting rooms and spaces designated for public use as it does to the library's collections and services.

1. "[Resolution on Libraries as Responsible Spaces](#)," Committee on Diversity, adopted June 26, 2017 by the ALA Council.
2. [Concerned Women for America v. Lafayette County](#), 883 F.2d 32 (5th Cir. 1989).
3. *Hale v. Schaumburg Township District Library, et al.*, 01-cv-2220 (N.D. Ill. 2001); *Hale, et al., v. Schell and the Martin Library Board of Directors*, 1:02-cv-1156 (M.D. Pa. 2002).
4. "[White Supremacist Wins Library Venue in Schaumburg](#)," American Libraries Magazine, August 20, 2001; "[White Supremacists to Meet after Library Changes Policy](#)," Library Journal staff, Library Journal, November 25, 2002.
5. [Concerned Women for America v. Lafayette County](#), 883 F.2d 32 (5th Cir. 1989).
6. "[Guidelines for the Development of Policies and Procedures Regarding User Behavior and Library Usage](#)," adopted January 24, 1993 by the Intellectual Freedom Committee; revised November 17, 2000; January 19, 2005; and March 29, 2014.
7. "[Economic Barriers to Information Access: An Interpretation of the Library Bill of Rights](#)," adopted June 30, 1993, by the ALA Council.

Adopted July 2, 1991, by the ALA Council; amended June 26, 2018; amended version rescinded August 16, 2018' Adopted January 29, 2019, by the ALA Council.

**Implementation Action:** The ALA Council **ADOPTED AS AMENDED**, ALA CD#19.3 Prisoners' Right to Read: An Interpretation of the *Library Bill of Rights*

The American Library Association asserts a compelling public interest in the preservation of intellectual freedom for individuals of any age held in jails, prisons, detention facilities, juvenile facilities, immigration facilities, prison work camps, and segregated units within any facility, whether public or private. As Supreme Court Justice Thurgood Marshall wrote:

When the prison gates slam behind an inmate, he does not lose his human quality; his mind does not become closed to ideas; his intellect does not cease to feed on a free and open interchange of opinions; his yearning for self-respect does not end; nor is his quest for self-realization concluded. If anything, the needs for identity and self-respect are more compelling in the dehumanizing prison environment.<sup>1</sup>

Participation in a democratic society requires unfettered access to current social, political, legal, economic, cultural, scientific, and religious information. Information and ideas available outside the prison are essential to people who are incarcerated for a successful transition to freedom. Learning to

thrive in a free society requires access to a wide range of knowledge. Suppression of ideas does not prepare people of any age who are incarcerated for life in a free society. Even those individuals who are incarcerated for life require access to information, to literature, and to a window on the world.

That material contains unpopular views or even what may be considered repugnant content does not justify its censorship.<sup>2</sup> Censorship is a process of exclusion by which authority rejects specific viewpoints. Unlike censorship, selection is a process of inclusion that involves the search for materials, regardless of format, that represent diversity and a broad spectrum of ideas. The correctional library collection should reflect the needs of its community.

Correctional libraries, librarians, or library managers may be required by federal, state, or local laws; administrative rules; or court decisions to prohibit material that instructs, incites, or advocates criminal action or bodily harm or is a violation of the law. Only those items that present an actual compelling and imminent risk to safety and security should be restricted. Although these limits restrict the range of material available, the extent of limitation should be minimized by adherence to the *Library Bill of Rights* and its interpretations.

These principles should guide all library services provided to people who are incarcerated or detained, regardless of citizenship status or conviction status:

- Collection management should be governed by written policy, mutually agreed upon by librarians and correctional agency administrators, in accordance with the *Library Bill of Rights* and its interpretations.
- Correctional libraries should have written procedures for addressing challenges to library materials, including a policy-based description of the disqualifying features.<sup>3</sup>
- Correctional librarians and managers should select materials that reflect the demographic composition, information needs, interests, and diverse cultural values of the confined communities they serve.
- Correctional librarians should be allowed to acquire materials that meet written selection criteria and provide for the multi-faceted needs of their populations without prior correctional agency review. They should be allowed to select from a wide range of sources in order to ensure a broad and diverse collection. Correctional librarians should not be limited to acquiring or purchasing from a list of approved materials or vendors.
- Correctional librarians should make all reasonable efforts to provide sufficient materials to meet the information and recreational needs of incarcerated people who speak languages other than English.
- Correctional librarians should be given adequate support for making library resources discoverable.
- Age is not a sufficient reason for censorship. Incarcerated children and youth should have access to a wide range of fiction and nonfiction.<sup>4</sup>
- Equitable access to information should be provided for people with disabilities.<sup>5</sup>
- Media or materials with non-traditional bindings should not be prohibited unless they present an actual compelling and imminent risk to safety and security.
- Material with sexual content should not be banned unless it violates state and federal law.
- Correctional libraries should provide access to computers and internet content, permitted by the correctional facility's library policies.
- People who are incarcerated or detained should have the ability to obtain books and materials from outside the prison for their personal use.

When free people, through judicial procedure, segregate some of their own, they incur the responsibility to provide humane treatment and essential rights. Among these is the right to read and to

access information. The right to choose what to read is deeply important, and the suppression of ideas is fatal to a democratic society. The denial of intellectual freedom—the right to read, to write, and to think—diminishes the human spirit of those segregated from society.

1. *Procunier v Martinez*, 416 U.S. 428 (1974)
2. 28 CFR 540.71(b): “The Warden may not reject a publication solely because its content is religious, philosophical, political, social or sexual, or because its content is unpopular or repugnant.”
3. “[Challenged Resources: An Interpretation of the Library Bill of Rights](#),” adopted June 25, 1971 by the ALA Council; amended July 1, 1981; January 10, 1990; January 28, 2009, and July 1, 2014.
4. “[Access to Library Resources and Services for Minors: An Interpretation of the Library Bill of Rights](#),” adopted June 30, 1972, by the ALA Council; amended July 1, 1981; July 3, 1991; June 30, 2004; July 2, 2008 under previous name “Free Access to Libraries for Minors”; and July 1, 2014.
5. “[Services to People with Disabilities: An Interpretation of the Library Bill of Rights](#),” adopted January 28, 2009, by the ALA Council under the title “Services to Persons with Disabilities”; amended June 26, 2018.

Adopted June 29, 2010, by the ALA Council; amended July 1, 2014; Adopted January 29, 2019, by the ALA Council.

**Implementation Action:** The ALA Council **ADOPTED**, ALA CD#19.4 Challenged Resources: An Interpretation of the *Library Bill of Rights*

“Libraries: An American Value” states, “We protect the rights of individuals to express their opinions about library resources and services.”<sup>1</sup> The American Library Association declares as a matter of firm principle that it is the responsibility of every library to have a clearly defined written policy for collection development that includes a procedure for review of challenged resources. Collection development applies to library materials and resources in all formats, programs, and services.

Article I of the American Library Association’s *Library Bill of Rights* states, “Materials should not be excluded because of the origin, background, or views of those contributing to their creation.” Article II further declares, “Materials should not be proscribed or removed because of partisan or doctrinal disapproval.”

Freedom of expression, although it can be offensive to some, is protected by the Constitution of the United States. The “Diversity in Collection Development: An Interpretation of the *Library Bill of Rights*” states:

Librarians have a professional responsibility to be fair, just, and equitable and to give all library users equal protection in guarding against violation of the library patron’s right to read, view, or listen to content protected by the First Amendment, no matter what the viewpoint of the author, creator, or selector. Librarians have an obligation to protect library collections from removal of content based on personal bias or prejudice.<sup>2</sup>

This applies with equal force to library resources and services provided to students and minors.<sup>3</sup>

The Supreme Court has held that the Constitution requires a procedure designed to critically examine all challenged expression before it can be suppressed.<sup>4</sup> Therefore, libraries should develop a procedure by which the governing body examines concerns and challenges about library resources. This procedure should be open, transparent, and conform to all applicable open meeting and public

records laws. Challenged resources should remain in the collection, and access to the resources remain unrestricted during the review process. Resources that meet the criteria for selection and inclusion within the collection as outlined in the institution's collections policy should not be removed. Procedures to review challenges to library resources should not be used to suppress constitutionally protected expression.

Any attempt, be it legal or extralegal, to regulate or suppress resources in libraries must be closely scrutinized to the end that protected expression is not abridged. Attempts to remove or suppress materials by library staff or members of the library's governing body that are not regulated or sanctioned by law are considered "extralegal." Examples include actions that circumvent library policy, or actions taken by elected officials or governing board members outside the established legal process for making legislative or board decisions. Actions taken by library governing bodies during official sessions or meetings pursuant to the library's collection development policy, or litigation undertaken in courts of law with jurisdiction over the library and the library's governing body, and actions taken by legislative bodies are considered a "legal process."

Content filtering is not equivalent to collection development. Content filtering is exclusive, not inclusive, and cannot effectively curate content or mediate access to resources available on the internet. Filtering should be addressed in an institution's policy on acceptable use of the internet. Acceptable use policies should reflect the *Library Bill of Rights* and "Internet Filtering: An Interpretation of the *Library Bill of Rights*," and be approved by the appropriate governing authority.

1. "[Libraries: An American Value](#)," adopted February 3, 1999, by the ALA Council.
2. "[Diversity in Collection Development: An Interpretation of the Library Bill of Rights](#)," adopted July 14, 1982, by the ALA Council; amended January 10, 1990; July 2, 2008; and July 1, 2014. Revisions proposed January 2019.
3. "[Access to Library Resources and Services for Minors: An Interpretation of the Library Bill of Rights](#)," adopted June 30, 1972, by the ALA Council; amended July 1, 1981; July 3, 1991; June 30, 2004; July 2, 2008 under previous name "Free Access to Libraries for Minors"; and July 1, 2014.
4. *Bantam Books, Inc. v. Sullivan*, 372 U.S. 58 (1963).

Adopted June 25, 1971, by the ALA Council; amended July 1, 1981; January 10, 1990; January 28, 2009, and July 1, 2014; Adopted January 29, 2019, by the ALA Council.

**Response:** The below Library Bill of Rights article and three Library Bill of Rights interpretation revisions were adopted by ALA Council, and the revisions have been incorporated on the ALA webpages. These documents will also be published in the 10<sup>th</sup> edition of the *Intellectual Freedom Manual*.

- [Prisoners' Right to Read: An Interpretation of the Library Bill of Rights](#), ALA CD#19.3 ALA Intellectual Freedom Committee Report\_ACT
- [Meeting Rooms: An Interpretation of the Library Bill of Rights](#), ALA CD#19.2 ALA Intellectual Freedom Committee Report\_ACT
- [Library Bill of Rights, Article VII Amendment](#), ALA CD#19.1 ALA Intellectual Freedom Committee Report\_ACT
- [Challenged Resources: An Interpretation of the Library Bill of Rights](#), ALA CD#19.4 ALA Intellectual Freedom Committee Report\_ACT

**Implementation Action:** The ALA Council **ADOPTED**, ALA CD#20.1, Resolution Observing Public Domain day on January 1, 2019, which read:

*Resolved*, that the American Library Association (ALA), on behalf of its members:

1. Will celebrate annually Public Domain Day, which places thousands of works published in 1923 in the public domain this year;
2. Marks the end of the additional twenty years of protection that retroactively prevented works from entering the public domain; and
3. Welcomes the entry of thousands of works to the public domain with each passing year.

**Response:** The Adopted resolution was added to the ALA website  
<http://www.ala.org/aboutala/midwinter-and-annual-2019>.

**Implementation Action:** The ALA Council **ADOPTED**, ALA CD #20.2, Resolution on Public Access to Congressional Research Service Reports

*Resolved*, that the American Library Association gratefully acknowledges the efforts of legislators who secured this long sought provision, particularly Representatives Tim Ryan (D-OH) and Mike Quigley (D-IL), former Representatives Kevin Yoder (R-KS) and Leonard Lance (R-NJ), Senator Patrick Leahy (D-VT), and the late Senator John McCain (R-AZ) for improving the nation's access to taxpayer funded information resources, and

Encourages the Library of Congress and Congressional Research Service to continue development of the website in order to provide the most comprehensive and useful public access, and to invite suggestions for improving public access from librarians and users; and

Thanks, all ALA members and others that have over the years advocated for access to CRS reports as well as improved access to our governments' information in all formats or media.

**Response:** The Adopted resolution was added to the ALA website  
<http://www.ala.org/aboutala/midwinter-and-annual-2019>.

**Implementation Action:** The ALA Council **ADOPTED**, ALA CD #20.3, Resolution Commending the Reauthorization of the Museum and Library Services Act

*Resolved*, the American Library Association commends the leadership of Senators Jack Reed (D-RI), Susan Collins (R-ME), Kirsten Gillibrand (D-NY), Lisa Murkowski (R-AK), and Lamar Alexander (R-TN); and Representatives Raul Grijalva (D-AZ), Will Hurd (R-TX), Leonard Lance (R-NJ), and David McKinley (R-WV); as well as the many members of the United States Senate and House of Representatives for their efforts to sustain the federal role supporting library services as the cornerstone of our nation's information infrastructure.

**Response:** The Adopted resolution was added to the ALA website  
<http://www.ala.org/aboutala/midwinter-and-annual-2019>.

**Implementation Action:** The ALA Council **ADOPTED**, ALA CD #20.4, Resolution Celebrating the U.S. Ratification and Passage of the Marrakesh Treaty Implementation Act

*Resolved*, that the American Library Association

1. celebrates the passage of the Marrakesh Treaty Implementation Act of 2018.
2. urges all libraries and their staff serving persons with print disabilities to avail themselves of appropriate resources in order to implement provisions of the Marrakesh Treaty.

**Response:** The Adopted resolution was added to the ALA website  
<http://www.ala.org/aboutala/midwinter-and-annual-2019>.

**Document Number/Title of Document:** ALA CD #13.1, 2020 Programmatic Priorities

**Implementation Action:** The ALA Council **APPROVED**, ALA CD#13.1, 2020 Programmatic Priorities

**Response:** No further action is required at this time.

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