



**ADMINISTRATIVE
REGULATION AND
PROCEDURE**

Title: CHALLENGED MATERIALS IN THE DISTRICT LIBRARY COLLECTION	Code: EE0105
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Policy Reference: N/A

The Milwaukee Area Technical College subscribes to the principles set forth in Challenged Resources: An Interpretation of the Library Bill of Rights, adopted by the Council of the American Library Association on June 25, 1971; amended July 1, 1981; January 10, 1990; January 28, 2009; July 1, 2014; and January 29, 2019., for its library facilities. The text follows:

“Libraries: An American Value” states, “We protect the rights of individuals to express their opinions about library resources and services.”¹ 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 “Diverse Collections: An Interpretation of the *Library Bill of Rights*” states:

Library workers have a professional and ethical responsibility to be fair and just in defending the library user’s right to read, view, or listen to content protected by the First Amendment, regardless of the creator’s viewpoint or personal history. Library workers should not permit their personal biases, opinions, or preferences to unduly influence collection-development decisions.²

This applies with equal force to library resources and services provided to students and minors.³

The Supreme Court has held that the Constitution requires a procedure designed to critically examine all challenged expressions before it can be suppressed.⁴ 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



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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.

The response to challenged materials included in Milwaukee Area Technical College library facilities shall be the responsibility of the Manager, Library and Information Services and the librarians. To be considered, a challenge must satisfy the following criteria:

1. It must be submitted in writing.
2. It must include the name of the author, title, publisher, and call number (if applicable) of the work in question.
3. It must include specific reference(s) to the page(s) and text(s) to which the objection is being made.
4. It must be signed and dated, an address must be provided which will allow for a reply to be made and delivered.
5. If the challenge is not satisfactorily resolved at this level, it shall be reviewed through the Director, Instructional Resources and Student Support , proceeding to the district board only after this procedure has been exhausted.



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6. Challenged material shall not be formally removed from the library until this procedure has been completed and then, in addition, only after the material has been submitted to an adversary hearing.

References

1- Challenged Resources: An Interpretation of the Library Bill of Rights
<https://www.ala.org/advocacy/intfreedom/librarybill/interpretations/challenged-resources>

2 - Diverse Collections: An Interpretation of the Library Bill of Rights
<https://www.ala.org/advocacy/intfreedom/librarybill/interpretations/diversecollections>

3 - Challenged Resources: An Interpretation of the Library Bill of Rights
<https://www.ala.org/advocacy/intfreedom/librarybill/interpretations/challenged-resources>

4 - Challenged Resources: An interpretation of the Library Bill of Rights
<https://www.ala.org/advocacy/intfreedom/librarybill/interpretations/challenged-resources>

Office of Responsibility: MATC Libraries
Last Reviewed: Apr-2022