

SUBJECT: REVIEW OF LIBRARY MATERIALS

EFFECTIVE: NOVEMBER 1, 2014

SUPERSEDES: 8/2013

1. PURPOSE:

As provided by Section 5(13) of [Chapter 84-443](#), Laws of Florida, this policy establishes an appellate procedure to hear and determine requests to remove library materials from the Tampa-Hillsborough Public Library System (the library).

2. POLICY:

- A. Any Hillsborough County resident (Customer) may request a review of library materials. Library materials subject to review under this policy include all materials which are available for loan to a customer, such as books, periodicals, DVDs, videos, tapes, computer software, e-books, and other materials contained in the library's reference collection. This policy does not govern Customers' requests for review of Internet websites. Customers' requests for review of Internet websites are governed under Library Policy [LS 307 Request for Review of a Website](#). Library materials shall only be subject to review under this policy once every three (3) years.
- B. Professional library staff and library branch or department supervisors have the primary opportunity and responsibility to provide Customers with copies of [LS 901 Materials Selection](#) and *LS 902 Review of Library Materials*, to address Customer concerns in a polite manner, and to accept Customer requests for review of materials.
- C. Customer concerns regarding library materials that are not resolved by public service staff after discussion with the Customer should be referred to the branch or department supervisor. If the branch or department supervisor cannot address the Customer's concerns, the Customer is provided a copy of the *Review of Library Material* form and a formal review of the materials in question shall be undertaken in accordance with this policy.
- D. A Customer may request a review of multiple library materials, but library staff may elect to treat each item to be reviewed as a separate review request. If library staff elects to do so, the order of review of such materials shall be determined by library staff, and review of a subsequent item shall only commence when the review process for the prior item is completed.
- E. Requests for review of library materials from different Customers shall be processed in the order in which they are received.
- F. If a review of library materials is in progress and a subsequent request for review of materials is received from the same or a different Customer, library staff may elect to complete the review in process before commencing a new review of another item.

- G. Pursuant to Section 5(13) of [Chapter 84-443](#), Laws of Florida, resolution of Customer requests to remove library materials shall be resolved pursuant to the philosophy that a library is to represent the views of the various interests of the community.

3. PROCEDURE:

- A. The procedure set forth below shall be followed when a Customer requests a review of library materials. Staff may refer to the [Challenged Materials Process Overview](#) chart for step-by-step instructions on the process.

B. Initiating a Review Request

- (1) To initiate a review request, the Customer must submit a completed [Review of Library Materials form](#) to the in-charge librarian who will date the completed form, give a copy to the Customer, and e-mail a scanned copy to the Manager of Library Technology & Collections (Manager). The librarian will also send the original to the Manager.
- (2) The Manager will send the Customer a written acknowledgment that the review request has been received and advise the Customer whether the review will commence immediately, or in the order in which it was received. A copy of this policy will also be enclosed.

C. The Levels of Review

- (1) There are three levels of review. The first level is review by two (2) librarians selected by the Manager who review the library material independently. Each librarian may consult and rely upon professional reviews and other expert sources in the review process. These librarians will provide their recommendations to the Manager who will make the final decision with respect to the materials. The Manager is not bound by any of the librarians' recommendations, however, when making his or her decision. The decision of the Manager will be communicated in writing to the Customer by the Library within forty-five (45) business days of the receipt of the Customer's initial review request.
- (2) The second level of review is by the Library Director, if the Customer appeals the decision of the Manager. To initiate this review, the Customer must send a written notice of appeal to the Library Director within seven (7) business days of receiving the decision of the Manager. The Customer may submit supplementary written material in support of the Customer's position with the Customer's appeal request. The Library Director will send the Customer a written acknowledgment that the Customer's appeal has been received and the review commenced. The Library Director shall review the written reviews of the librarians, the decision letter of the Manager, any material submitted by the Customer, and may also request that an expert or experts in appropriate fields or other knowledgeable individuals review the library materials independently, as an aid to the Library Director. The Library Director is not

bound by any of them, however, when making his or her decision. Within twenty (20) business days of receipt of the Customer's notice of appeal, the Library Director shall notify the Customer in writing of the Library Director's decision.

- (3) The third level of review is by the Tampa-Hillsborough County Library Board (Library Board), if the Customer appeals the Library Director's decision. Review by the Library Board is in two steps. The first step is an initial review by the Policies and Bylaws Committee (the Committee) of the Library Board which makes a recommendation to the Library Board. The second step is a review and final decision by the Library Board.
 - (a) Committee Review.
 - (i) To initiate review by the Library Board, the Customer must send a written notice of appeal to the Chairman of the Committee within seven (7) business days of receiving the Library Director's decision.
 - (ii) The Committee Chairman shall schedule an initial Committee meeting to hear the matter within thirty (30) business days of the date on which the Committee Chairman receives the notice of appeal, unless the Customer requests a later date. The Customer must be given at least five (5) business days advance written notice of the meeting date. Copies of the reviews of the Librarians, the decisions of the Manager and the Library Director, and any materials provided by the Customer shall be provided in advance of the initial meeting to the Committee members and to the Customer, if not previously provided by or to the Customer.
 - (iii) The Committee shall either make its recommendation decision at its initial meeting or schedule a second meeting to continue its review. The second meeting must be scheduled within fourteen (14) business days of the initial Committee meeting, unless the Customer requests a later date. The Customer must receive at least five (5) business days prior written notice of any scheduled second Committee meeting. If the Customer is not present at the meeting at which the Committee's recommendation decision is made, written notice of the recommendation must be sent to the Customer within five (5) business days after the date of the recommendation decision. If the Committee does not vote on its decision at the initial meeting, it must do so at its second meeting.
 - (iv) To assist it in its review process, the Committee Chairman may request that the Library Director, library staff, and other individuals he or she believes will be helpful to the Committee be present at one or both meetings to address the Committee. The Customer may also address the Committee at one or both meetings.
 - (b) Library Board Review

- (i) The Committee shall present its recommendation to the full Library Board at a meeting held no later than thirty-one (31) business days after the date of the Committee's decision, unless the Customer requests a later date. The matter may be considered at either a regularly scheduled Library Board meeting or at a Special Meeting of the Library Board called for the purpose of considering the issue. The Customer must be given at least five (5) business days advance written notice of the initial Library Board meeting date. The decision to consider the matter at a Regular or Special Meeting shall be made by the Chair of the Library Board or, in the absence of the Chair, by the Vice-chair.
- (ii) Copies of the reviews of the librarians, and the decisions of the Manager and the Library Director, and any other materials reviewed by the Committee shall be provided in advance of the initial meeting at which the matter is considered to the members of the Library Board and to the Customer, if not previously provided by or to the Customer.
- (iii) The Library Board may vote on its decision at its initial meeting considering the issue, or vote to continue its deliberations at a second meeting to be held within fourteen (14) business days of the initial Library Board meeting at which the issue is considered, unless the Customer requests a later date. The second meeting may be a regular meeting or a Special Meeting. If a date for the second meeting cannot be decided upon at the initial meeting, the Library Board Chair, or Vice-chair in the absence of the Chair, shall schedule the meeting. The Customer must receive at least five (5) business days prior written notice of the date of the second meeting. Copies of all additional materials to be provided to the Library Board at its second meeting shall also be provided to the Customer initiating the appeal, if not previously provided. If the Library Board does not vote on its decision at the initial meeting, it must do so at its second meeting.
- (iv) To assist in its review process, the Library Board Chair, or Vice-chair in absence of the Chair, may request that the Library Director, library staff, and other individuals he or she believes will be helpful to the Library Board be present at one or both meetings of the Library Board to address the Library Board. The Customer may also address the Library Board at one or both meetings.
- (v) The Chairman of the Library Board shall send written notice of the decision of the Library Board to the Customer within seven (7) business days of the date of the meeting at which the Library Board made its decision in the matter. Pursuant to Section 5 (13) of [Chapter 84-443](#), Laws of Florida, the decision of the Library Board in the matter is final.

D. Waiver of Time Periods and Notice

- (1) Notwithstanding anything to the contrary in this policy, the Customer may waive any of the time periods for notice to the Customer set forth in this policy and the procedures set forth herein.
- (2) Delivery of written notice under this policy may include, but not be limited to, delivery by e-mail. Any written notice sent hereunder shall be deemed given when delivered.

4. AUTHORITY:

Pursuant to Section 5(1) of [Chapter 84-443](#), Laws of Florida, the Library Board has the duty and the responsibility, among others, to serve in a recommending capacity to the Director of Library Services and to the County Administrator in respect to all matters pertaining to the public library.

Approved:

Andrew Breidenbaugh, Director