

## 54.3

At the 2010 ALA Midwinter Meeting, on recommendation from the Council Policy Monitoring Committee (PMC), the ALA Council revised ALA Policy 54.3, Equal Employment Opportunity by inserting the words "gender identity or expression" following the words "sexual orientation," and before the word "age," so that the policy would now read:

### **54.3 Equal Employment Opportunity**

The American Library Association is committed to equality of opportunity for all library employees or applicants for employment, regardless of race, color, creed, sex, sexual orientation, gender identity or expression, age, disability, individual life-style, or national origin; and believes that hiring individuals with disabilities in all types of libraries is consistent with good personnel and management practices.

**NOTE TO READER:** The following was taken from the Policy Monitoring Committee Report, 2009-2010 ALA CD#17, Items #7.1-7.4. Terminology regarding gender identity.

It has come to PMC's attention that within the Policy Manual there is variation in language used to describe the concepts of sexual orientation, gender identity, gender expression, etc. Differences in terminology appear to arise primarily from the accepted terminology in use at the time individual policies were passed, rather than from any intended difference in scope. Nevertheless, PMC is concerned that the differences in wording might be interpreted as defining limitations to the scope of particular policies, and believes that to the extent possible, a single term should be used. GLBTRT has advised PMC that the current preferred terminology is "gender identity or expression" and recommends that whenever the Policy Manual specifies "sexual orientation," it should immediately be followed by "gender identity or expression, and where "gender identification" currently appears by itself (usually before "sexual orientation"), it should be removed and "gender identity or expression" should immediately follow "sexual orientation."

The above recommended language changes were made in ALA policies: 9.2, Affiliation with other Organizations; 53.1.15, Access to Library Resources and Services Regardless of Sex, Gender Identity, or Sexual Orientation; 54.3, Equal Employment Opportunity; and 53.12, Threats to Library Materials Related to Sex, Gender Identity, or Sexual Orientation.

# Equal Employment Opportunity A Statement of Policy of the American Library Association

Passed by ALA Council on January 25, 1974, the following statement is official ALA Policy 106.11

**I. Whereas:** The American Library Association, through its organized resources and membership support, is committed to a policy of equality of opportunity for all library employees, or applicants for employment, regardless of race, color, creed, sex, age, physical or mental handicap, individual life style (viz., manner and mode of attire, sexual preference, political persuasion), or national origin. This policy of employment equality logically begins with recruitment to the occupation of librarianship.

*Commentary:* This policy is designed to update and subsume the previous ALA policies on discrimination in employment, to wit, Compliance with Fair Employment Practices (1971), Non-Ethnic Minorities (1971) and Equal Opportunity for Women in Librarianship (1971) and reflect the intent of the policy on the advancement of Minorities in Public Library Service (1971) and on Racial Discrimination (1962), which states:

In a free society, a library is one of the primary instruments through which citizens gain understanding and enlightenment. The institution, the people who work for it, and the professional association with which they identify themselves should be worthy examples of the high principles which libraries endeavor to promote.

The intent of this policy is to ensure that member libraries and library schools are in fact drawing from the largest marketplace of human resources for staffing purposes and that a critical review is ongoing into appointment, advancement, compensation and discipline practices of the library to insure equality in all phases of employment.

See also Introduction and section IV of the ALA Committee on Accreditation. *Standards for Accreditation*, Chicago, 1972.

**II. Whereas:** The Association not only supports the efforts of member libraries and library schools to seek full compliance with all governmental policies against discriminatory practices but also through the approval and promulgation of this policy focuses attention on the positive responsibility of members, both personal and institutional members, to comply with such legislation and to set institutional goals and timetables which will actively eliminate employment discrimination in libraries.

*Commentary:* Currently existing federal policies include:

### STATUTES

- (a) Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunity Act of 1972.
- (b) Fair Labor Standards Act of 1938 as amended, particularly by the Equal Pay Act of 1963 and the Education Amendments of 1972.

### EXECUTIVE ORDERS

- 11246 (September 24, 1965) as amended by EO 11375 (October 13, 1967) and EO 11478 (August 8, 1969).

### FEDERAL COURT CASES

- (a) *Griggs v. Duke Power Company*, 401 U.S. 424, 91 S.Ct. 849, 28 L.Ed.2d 158 (1971).
- (b) *Gregory v. Litton Systems, Inc.*, 316 F.Supp. 401 (D.C. Cal. 1970).

Policies of the states are listed in part in *American Libraries* (June 1972).

### III. Be It Resolved That:

(1) The Council of the Association directs the Executive Director of ALA to have all Association activities, policies and programs reviewed in order to assure that fair and equal practices are followed.

(2) The Council urges the Association's investigatory body to be prepared to respond speedily and investigate thoroughly alleged employment discrimination on the basis of race, color, creed, sex, age, physical or mental handicap, individual life style, or national origin from any individual or group of individuals employed in or seeking employment in libraries and to impose sanctions on libraries which are in violation of the law and this policy.

(3) The Association commits itself to continuing efforts for the improvement and implementation of essential legislation prohibiting discrimination.

*Commentary:* The Staff Committee on Mediation, Arbitration, and Inquiry is hereby assigned responsibility for mediation, arbitration, and inquiry relating to tenure, status, fair employment practices, due process, ethical practices, and the principles of intellectual freedom as set forth in policies adopted by the Council of the American Library Association.

The Committee shall have full authority to interpret all pertinent ALA-approved policies in implementing this Program of Action for Mediation, Arbitration, and Inquiry and conducting activities to meet its committee responsibilities.

Sanctions may be defined as the appropriate penalty or penalties incurred for violations of one or more of the ALA-approved policies to which the Program of Action relates.

(a) Publication of a report that includes a statement of censure, indicating the strong disapproval of ALA because of a violation of one or more of the policies to which this Program of Action relates.

(b) Suspension or expulsion from membership in ALA.

(c) Listing of parties under censure in *American Libraries* as a warning to persons considering employment in an institution under censure that its practices and policies are in conflict with ALA policies concerning tenure, status, fair employment practices, due process, ethical practices, and/or the principles of intellectual freedom.

(Program of Action for Mediation, Arbitration and Inquiry)

The ALA Committee on Legislation is created: To have full responsibility for the Association's total legislative program on all levels—Federal, State and local. To recommend legislative policy and programs for Council approval and to take the necessary steps for implementation. To protest any legislation or executive policy adversely affecting the welfare and development of libraries. To represent the ALA before executive and legislative branches of government as required at all levels. To provide a forum within ALA to gather information about needed legislation and to keep all units of the Association informed of the ALA legislative programs. To direct the activities of all units of the Association in matters relating to legislation.

### IV. Be It Further Resolved That:

To achieve the goal of equal employment opportunity for all library employees and applicants for employment, the Council of the Association

(1) directs that the Advisory Committee to the Office for Library Personnel Resources shall with the staff of the Office establish guidelines for the prevention of all forms of employment discrimination in libraries as prohibited by this policy, making these guidelines available to libraries, boards of library trustees, staff associations, civil service groups, library employee unions and individuals who are already employed or are seeking employment in libraries.

(2) directs the Office for Library Personnel Resources to begin immediately an aggressive program of instruction on legal equal employment requirements and the procedure for meeting such requirements.

(3) directs that all libraries and library schools with fifteen or more staff members

the labor area, the percentage of minorities and women in the work force, the general availability of minorities and women with the requisite skills in the recruitment area (generally, data on the local vicinity or nonprofessional staff and on a nationwide recruitment area for professionals), availability of promotable and transferable women and minorities in the organization, and the degree of training the library can reasonably do itself.

Census data are often used for utilization analyses. State government agencies may provide somewhat better data. Eventually the Office for Library Personnel Resources hopes to collect reliable statistics on library personnel in the work force. Until OLPR is able to gather data for library personnel utilization analyses, no source of information can be considered particularly reliable. However, the EEO Subcommittee will look for a reasonable attempt to define the area from which the library can expect to recruit and the citation of a reasonably acceptable source for the utilization statistics detailed in each plan.

2. Personnel procedures and practices. The following is a list of some areas which might be examined for potential affirmative action roadblocks. Others might be identified in particular a/a plans:

(a) Job analysis, classification, and restructuring.

Is there a well-defined personnel classification scheme? Has thought been given to the establishment of new career ladders within the library?

(b) How equitably does the organization treat current staff?

i. Are training and promotional programs designed to encourage and advance protected class individuals?

Organizations sometimes lump all training and development programs in with affirmative action. Unless the programs are specifically intended to aid in the advancement of individuals protected for reason of race, sex, handicap, etc., the training should not be listed as an a/a-oriented activity.

ii. Grievance procedures.

Does the institution have a reasonable grievance procedure that has been well publicized and is available to all employees? Is there also a grievance procedure outlined for job applicants?

3) Recruitment and hiring of new staff.

i. Have the position requirements

been reviewed to insure that they accurately reflect the qualifications needed for the job and are worded in a nondiscriminatory fashion? Validation analysis should extend to job requirements, application forms, notices of job vacancies, oral and written examinations, promotional rating forms, and so forth.

ii. How is recruitment accomplished?

Are job notices widely distributed to the public? Is there sufficient posting time allowed so that the job notices will be seen in time?

Does the employer recruit through media used by women and minorities, and does the employer send notices of vacancies to or interview at educational institutions with a high minority enrollment? Are members of a/a classes actively involved in the analysis of recruitment procedures and the testing of candidates? Is the EEO Officer involved in the recruitment process?

iii. Selection process. Do any of the mechanics of the selection process (e.g., filing fees) inappropriately deter certain classes of individuals? Is the selection process adequately explained to applicants?

iv. Applicant hire reporting system. The plan should outline the reports and records kept on the application and selection process and should specify who is responsible for keeping them.

### C. Goals and Timetables

1. Are goals related to the problem areas?

2. Are the goals and timetable periods adequate?

The goals should be specific, and the timetable equally explicit and related to the goals. The federal government requires that goals and timetables be established for the hiring or promotion of women and minorities whenever utilization analyses indicate a shortage in particular job classes the institution can be reasonably expected to remedy.

3. Are goals set at all appropriate levels? Goals and timetables should be specified wherever a shortage of women or minority employees is determined, whether in administrative, professional, or support staff levels.

### D. Internal Audit and Reporting System

1. Format and frequency.

Does the format conform with federal EEO requirements? Is a/a progress reported at least annually to enable a speedy identification and solution of problems?

2. Who evaluates reports?

The EEO Officer and the administrators of any agency covered by the plan, including the library administration, should be actively involved in the regular evaluation of the a/a program. If the organization has an a/a committee from the general staff, this group should also aid in the evaluation process.

3. Are reports disseminated to the staff and public?

Information on the library's progress toward meeting its a/a goals and timetables and status reports on programs developed to solve a/a problems should be distributed to the entire staff and should also be made available to the public.

### E. Action Program

1. Scope.

The plan should describe action the library will take which is reasonably broad in scope and is again addressed to problem areas. The action programs should be specifically related to affirmative action and not to all staff training programs, all recruitment procedures, etc.

2. Is the action program relevant to the specific problem areas identified? The following represent possible action programs:

(a) Special recruitment efforts to attract protected class individuals (e.g., minority job fairs, interviews at predominately minority educational institutions, publication of job notices in minority or women's media).

(b) Job counseling programs for protected class job applicants and training or promotional programs directed particularly toward women, minorities, and other disadvantaged groups.

(c) Revised personnel procedures: elimination of discriminatory questions on application forms, test validation, involvement of women and minorities in the review of selection procedures, and inclusion of qualified women and minorities on examination boards.

(d) Active support and involvement of library personnel in local and professional development programs for women and minorities.

The Equal Employment Opportunity Subcommittee will greatly appreciate your cooperation in submitting for review the affirmative action plan of your organization. It would further appreciate any other documentation concerning the a/a plan and program at your institution which will aid in the plan's accurate assessment.



American Library Association

MEMORANDUM

EXHIBIT 8

37.2 34.2  
*adopted by Council  
June 1981*

To: ALA Council

From: LAMA, OLPR, ASCLA

Re: Policy on "Employment of Disabled Persons in Libraries"  
ACTION REQUESTED

Date: June 1980

LAMA, OLPR, and ASCLA request that Council take action at the 1981 Annual Conference to adopt the attached statement as ALA policy.

At the 1981 Midwinter Meeting, the LAMA Board rescinded its 1969 policy on the "Employment of the Handicapped" because it felt this statement was outdated. A new draft statement was circulated to ALA units in January 1981. Comments received at that time were incorporated into a revised draft which was circulated again to units in the spring.

The proposed policy is an extension of the ALA Equal Employment Opportunity policy (Policy Manual #54.2). In this International Year of Disabled Persons, we feel that it is fitting for ALA to adopt the proposed policy.

## EMPLOYMENT OF DISABLED PERSONS IN LIBRARIES

### POLICY STATEMENT

The American Library Association (1) supports equal employment opportunities and affirmative action for disabled persons and (2) believes that hiring disabled individuals for library positions in all types of libraries is consistent with good personnel and management practices.

Key factors in the selection of library personnel are training, knowledge, job interest, and the particular physical or mental abilities to do a specific job. Adjustment of a job to the known physical or mental limitations of an individual should be determined on an individual basis, taking into consideration the essential aspects of a specific job and the disabled applicant's ability to do these tasks. Modification of the work environment should also be considered if necessary to assist the individual in performing the job.

### INTERPRETATIONS AND GUIDELINES

#### DEFINITIONS

The American Library Association supports the following interpretations of terms used in the policy statement on employment of disabled persons:

1. "Disabled persons or individuals" - The association accepts the Federal definition of disabled individuals - "individuals who have a physical or mental impairment that substantially limits one or more major life functions." (For the full definition, reference is made to Title 5, Code of Federal Regulations, Part 713, sub-part 6.)
2. "Equal Employment Opportunity" - The ALA already has gone on record as "committed to a policy of equality of opportunity for all library employees, or applicants for employment, regardless of race, color, creed, sex, age, physical or mental handicap, individual life style, or national origin." (ALA Policy 54.2). Discrimination on the basis of real or presumed handicapping conditions is illegal and artificially limits the pool of human resources from which libraries can draw employees. Equal employment opportunity for disabled persons means that they should be recruited, selected and employed on the basis of the same criteria that are applied to all other applicants for positions in libraries.
3. "Affirmative Action" - The association recognizes that disabled individuals are among those groups historically discriminated against in employment and affirms the responsibility of libraries to seek out qualified disabled individuals for library positions and to make reasonable accommodations where necessary in the job requirements, work station, equipment and work methods so that disabled individuals may assume such positions.
4. "Reasonable Accommodation" - If a qualified individual's disability presents obstacles to employability which can be overcome, the employer has the duty to remove these impediments. The nature of the accommodation will vary and must be determined on an individual basis. If "business necessity" precludes the accommodation, or if it would cause the employer "undue hardship," it is not required.

## GUIDELINES

The American Library Association believes that the following guidelines may help libraries provide employment opportunities for disabled persons:

1. Use of job analysis is critical when determining the requirements for specific positions. This helps to assure that requirements are, in fact, essential to the work that has to be done.
2. Notices of library job openings and job descriptions should be written with bonafide occupational qualifications. Only if the specific job requires a particular physical or mental ability should that requirement be listed.
3. Promotional materials and recruitment literature of library agencies should be evaluated to see that disabled individuals are fairly and adequately represented. All such materials should include appropriate E.E.O. and A.A. statements.
4. In making efforts to recruit qualified disabled applicants libraries might: 1) send notices of job openings to rehabilitation and placement agencies; 2) send notices of job openings to organizations of disabled people; 3) publicize job openings in newsletters published by organizations of disabled people.
5. Job and work schedule modifications for disabled employees should be determined on an individual basis. No two disabled persons will necessarily require the same modifications. Reasonable job and schedule modification will open many previously closed positions.
6. The library areas and specific work sites used by disabled employees should be made readily accessible.
7. Computer and/or communication technology should be employed as necessary to enable disabled individuals to perform the required tasks. Various technologies allow for print enlargement, print conversion, and information communication in tactile, verbal, or visual formats. Disabled individuals remain print or communication disabled only so long as such technologies are not applied.

37.5  
54.2.

AMERICAN LIBRARY ASSOCIATION

Item: LIBRARY PERSONNEL Item Number: 106.11  
Approved by: ALA Council Page: 1 of 4  
Issue Date: January, 1974 Supersedes: \_\_\_\_\_

ALA EQUAL EMPLOYMENT OPPORTUNITY POLICY

I - WHEREAS, The American Library Association, through its organized resources and membership support, is committed to a policy of equality of opportunity for all library employees, or applicants for employment, regardless of race, color, creed, sex, age, physical or mental handicapped, individual life style, (viz, manner and mode of attire, sexual preference, political persuasion) or national origin. This policy of employment equality logically begins with recruitment to the occupation of librarianship.

Commentary:

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"In a free society, a library is one of the primary instruments through which citizens gain understanding and enlightenment. The institution, the people who work for it, and the professional associations with which they identify themselves should be worthy examples of the high principles which libraries endeavor to promote."

The intent of this policy is to insure that member libraries and library schools are in fact drawing from the largest marketplace of human resources for staffing purposes and that a critical review is ongoing into appointment, advancement, compensation and discipline practices of the library to insure equality in all phases of employment.

See also Introduction and Section IV of the ALA Committee on Accreditation. Standards for Accreditation, Chicago, 1972.

II - WHEREAS, The Association not only supports the efforts of member libraries and library schools to seek full compliance with all governmental policies against discriminatory practices but also through the approval and promulgation of this policy focuses attention on the positive responsibility of members, both personal and institutional members, to comply with such legislation and to set institutional goals and time tables which will actively eliminate employment discrimination in libraries.

AMERICAN LIBRARY ASSOCIATION

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Commentary:

Currently existing federal policies include:

Statutes

- (a) Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunity Act of 1972.
- (b) Fair Labor Standards Act of 1938 as amended, particularly by the Equal Pay Act of 1963 and the Education Amendments of 1972.

Executive Orders

11246 (September 24, 1965) as amended by EO 11375 (October 13, 1967) and EO 11478 (August 8, 1969).

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Policies of the states are listed in part in AMERICAN LIBRARIES (June 1972).

III - BE IT RESOLVED, That (1) The Council of the Association directs the Executive Director of ALA to have all Association activities, policies and programs reviewed in order to assure that fair and equal practices are followed. (2) The Council urges the Association's investigatory body to be prepared to respond speedily and investigate thoroughly alleged employment discrimination on the basis of race, color, creed, sex, age, physical or mental handicapped individual life style, or national origin from any individual or group of individuals employed in or seeking employment in libraries and to impose sanctions on libraries which are in violation of the law and this policy. (3) The Association commits itself to continuing efforts for the improvement and implementation of essential legislation prohibiting discrimination.

Commentary:

The Staff Committee on Mediation, Arbitration and Inquiry is hereby assigned responsibility for mediation, arbitration, and inquiry, the Committee is composed of senior staff members of the units of the Association with policy assignments in the areas of tenure, status, fair employment practices, due process, ethical practices and the

AMERICAN LIBRARY ASSOCIATION

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principles of intellectual freedom; along with one staff member-at-large. Nothing shall preclude the Committee from drawing on a temporary basis, other senior staff members when their interests are involved or they can supply needed expertise. Fact finding sub-committees shall be appointed and shall be made up of two ALA association members and one staff member.

Sanctions may be defined as the appropriate penalty or penalties incurred for violations of one or more of the ALA approved policies to which the PROGRAM OF ACTION relates.

- A. Publication of a report that includes a statement of censure, indicating the strong disapproval of ALA because of a violation of one or more of the policies to which this PROGRAM OF ACTION relates.
- B. Suspension or expulsion from membership in ALA.
- C. Listing of parties under censure in AMERICAN LIBRARIES as a warning to persons considering employment in an institution under censure that its practices and policies are in conflict with ALA policies concerning tenure, status, fair employment practices, due process, ethical practices, and/or the principles of intellectual freedom.

(Program of Action for Mediation, Arbitration and Inquiry)

The ALA Committee on Legislation is created: To have full responsibility for the Association's total legislative program on all levels--Federal, State and local. To recommend legislative policy and programs for Council approval and to take the necessary steps for implementation. To protest any legislation or executive policy adversely affecting libraries. To seek ruling and interpretations of laws and regulations affecting the welfare and development of libraries. To represent the ALA before executive and legislative branches of government as required at all levels. To provide a forum within ALA to gather information about needed legislation and to keep all units of the Association informed of the ALA legislative programs. To direct the activities of all units of the association in matters relating to legislation.

- IV - BE IT FURTHER RESOLVED, That to achieve the goal of equal employment opportunity for all library employees and applicants for employment, the Council of the Association
- (1) directs that the Advisory Committee to the Office for Library Personnel Resources shall with the staff of the Office establish

## AMERICAN LIBRARY ASSOCIATION

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guidelines for the prevention of all forms of employment discrimination in libraries as prohibited by this policy, making these guidelines available to libraries, boards of library trustees, staff associations, civil service groups, library employee unions and individuals who are already employed or are seeking employment in libraries.

(2) directs the Office for Library Personnel Resources to begin immediately an aggressive program of instruction on legal equal employment requirements and the procedure for meeting such requirements.

(3) directs that all libraries and library schools with fifteen or more staff members shall formulate written affirmative action plans and shall submit these plans to the Office for Library Personnel Resources which will publish a list of the member libraries submitting affirmative action plans pursuant to this policy. The Office for Library Personnel Resources in cooperation with the Advisory Committee will review these plans in order to ascertain compliance with appropriate federal equal employment guidelines.

### Commentary:

The following specific areas of concern should be covered in guidelines to promote non-discriminatory practices: Education; Recruitment; Selection; Training; Promotions; Wages and Benefits; Procurement of Library Materials.

Program activities for the Office of Personnel Resources suggested by this policy statement include PUBLICATION, e.g., "EEOC Guidelines for Preventing Discriminatory Employment Practices", AMERICAN LIBRARIES (December 1972); ANNUAL STATISTICAL SURVEYS on the employment of women and minorities including job levels, salaries and advancement in libraries; ANNUAL PUBLISHED REPORTS ON recruitment and placement efforts for women and minorities; MAJOR CONFERENCE PROGRAMS, fully funded, which will provide leadership in focusing attention on employment equity for all library employees.

See Section 701 (b) of Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunity Act of 1972 and Executive Order 11246 as amended by Executive Orders 11375 and 11478.