

# 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.

Endorsed by the Intellectual Freedom Round Table.