



Review of Library Materials

Policy Number: LS 902

Effective: June 2019

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 (the "Library") collection.

Policy

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, audiobooks, e-books and other materials contained in the Library's reference collection. Library materials shall only be subject to review under this policy once every three years.

Library supervisory staff have the primary responsibility to address requests for review of materials. Customer concerns 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, then the Customer is provided copies of the Review of Library Materials Policy (LS902) and the Review of Library Materials Form. A formal review of the materials in question shall be undertaken in accordance with this policy.

Customers 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 has been completed. Requests for review of Library materials from different Customers will be processed in the order in which they are received. 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 progress before commencing a new review of another item.

Resolution of Customer requests to remove Library materials will be handled pursuant to the philosophy that a library is to represent the views of the various interests of the community, per Section 5(13) of Chapter 84-443, Laws of Florida, The procedures below are to 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.

Procedure

Customers must submit a completed Review of Library Materials Form to the branch or department supervisor, 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. 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.

The first level is review by two (2) librarians, selected by the Manager, who each conduct an independent review of the Library material. Each may consult and rely upon professional reviews and other expert sources in their review process. These librarians will provide their recommendations to the Manager, who will make a decision with respect to the materials. The Manager is not bound by any of the librarians' recommendations when rendering a decision. The decision of the Manager will be communicated in writing to the Customer by the Library within 45 business days of receipt of the Customer's initial review request.

If the Customer appeals the decision of the Manager, the second level of review is by the Library Director. 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 of receipt. The Library Director will review the recommendations of the librarians, the decision letter of the Manager, any material submitted by the Customer, and may also request additional expert independent review. The Library Director is not bound by any previous review or recommendation when making his or her decision. Within twenty (20) business days of receipt of the Customer's notice of appeal, the Library Director will notify the Customer in writing of the Library Director's decision.

If the Customer wishes to appeal the Library Director's decision, a third-level review by the Tampa-Hillsborough County Public Library Board (the "Library Board") may be requested.

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 review and final decision by the Library Board. 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.

The Committee Chair will schedule an initial Committee meeting to hear the matter within thirty (30) business days of the date on which the notice of appeal is received, 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 Librarian reviews, the decisions of the Manager and the Library Director as well as any materials provided by the Customer will 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. The Committee will either make its recommendation 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 is made, written notice of the recommendation must be sent to the Customer within five (5) business days after the date of the recommendation. If the Committee does not vote on a recommendation at the initial meeting, it must do so at its second meeting. To assist it in its review process, the Committee Chair may request that the Library Director, Library staff and other individuals be present at one or both meetings to address the Committee. The Customer may also address the Committee at one or both meetings.

The Committee will 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 recommendation, 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 reviewing the issue. The Customer must be given at least five (5) business days' advance written notice of the initial Library Board meeting date. The matter may be reviewed at a Regular or Special Meeting as determined by the Chair of the Library Board or, in the absence of the Chair, by the Vice-chair. Copies of the Librarian reviews, the decisions of the Manager and the Library Director, and any other pertinent materials will be provided to the members of the Library Board and to the Customer in advance of the initial meeting, if not previously provided by or to the Customer.

The Library Board may vote on a decision at its initial meeting or vote to continue its deliberations at a second meeting to be held within fourteen (14) business days of the initial Library Board meeting, 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, will 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 will 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.

To assist the 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 be present at one or both meetings to address the Library Board. The Customer may also address the Library Board at one or both meetings. Written notice of the Library Board's final decision will be sent to the Customer within seven (7) business days of that meeting date. The decision of the Library Board in the matter is final pursuant to Section 5(13) of Chapter 84-443, Laws of Florida.

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. Delivery of written notice under this policy may include, but not be limited to, delivery by e-mail. Any written notice sent hereunder will be deemed given when delivered.